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Titles of the Regulations Passed in the Year 1875

Sub.- Law And Legislation/ Bengal/ Regulation.

1875

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TITLES

OF THE

REGULATIONS,

PASSED IN THE YEAR

1815.

REGULATION I.

A REGULATION for securing the right of the British Government to assess land, held under mocurreree or istumrar grants of any preceding Government, on the decease of the holders thereof,—Passed on the 18th February, 1815.

REGULATION II.

A REGULATION for extending the provisions of Clause Seventh, Section XII. Regulation XXIV. 1814,—*Passed on the 18th of April,* 1815.

REGULATION III.

A REGULATION for continuing the existing settlement of the district of Cuttack, the Pergunnah of Puttaspore, and its dependencies, until the expiration of the year 1223 *Umlee,—Passed on the 12th May,* 1815.

REGULATION IV.

A REGULATION for modifying some of the provisions at present in force, for the collection of customs on certain articles of commerce, in the territories immediately

mediately dependant on the presidency of Fort William,—Passed on the 26th August, 1815.

REGULATION V.

A REGULATION for suspending the operation of the existing Regulations in that part of the district of Midnapore, commonly known under the denomination of the Pergunnah of Bogree,—Passed on the 29th of December, 1815.

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A. D. 1815. REGULATION I.

A REGULATION *for securing the right of the British Government to assess land held under mocurreree or ifumrar grants of any preceding Government, on the decease of the holders thereof.*—PASSED *by the Vice President in Council, on the* 18*th February* 1815; *corresponding with the* 8*th Phagoon* 1221 *Bengal era; the* 22*d Maug* 1222 *Fussily; the* 9*th Phagoon* 1222 *Willaity; the* 9*th Maug* 1871 *Sumbut; and the* 7*th Rubbi-ul-Awul* 1230 *Higeree.*

Preamble.

WHEREAS the occupants of lands in the ceded and conquered provinces and in Bundlecund, held at a mocurreree or iftumrar jumma, under recognized grants of the native Governments, have been permitted by the British Government to hold the same according to the terms of the grants during life; and whereas it is expedient to obviate every doubt respecting the right of the British Government to impose an adequate assessment on such lands on the death of such life tenants, the following rules are enacted, to have effect from the date of their promulgation in the provinces aforesaid.

II. On

Duty of collectors in the assessment of lands held under mocurruree or istumrar grants of the native governments, on the decease of the holders.

II. On the death of any person holding lands in the ceded and conquered provinces or in Bundlecund, on a mocurreree or istumrar tenure granted by the native Governments, it shall be the duty of the collector of the zillah in which the lands are situated, to proceed to the assessment thereof, under such instructions as he shall receive from the Board of Commissioners on the subject, and that Board shall apply to the Governor General in Council for special orders, in any case which may appear to call for a deviation from the established rules prescribed for the public assessment; in order, that if the Governor General in Council shall in any case see grounds for granting any abatement from the jumma, which on that principle would be assessed on the lands, he may take the subject into his consideration, and may allow such reduction of the jumma, as may be deemed proper.

Reservation of power to the Governor General in Council to grant an abatement from the jumma of the lands which may be so assessed.

Courts of justice restricted from taking cognizance of the question of resumption of grants described in 2d section of this regulation, or of the assessment of the lands consequent thereto.

III. No court of justice shall on any account take cognizance of the question of resumption of grants of the nature described in the preceding section on the death of the holder, nor of the assessment of the lands consequent thereto.—The adjudication of all claims on these accounts, shall rest definitively with the revenue authorities, subject only to the approval of the Governor General in Council.

The courts of justice not restricted from taking cognizance of claims to the actual property in the lands.

IV. Nothing contained in Section III, shall be construed to preclude the courts of justice from receiving, hearing, trying and deciding on claims to the actual property in the lands situated within a mocurreree or istumrar, as well as to all or any of the rights, privileges or advantages annexed to such property by the existing laws or established usages of the country.

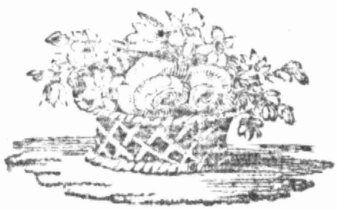
Revenue officers to resume any mocurruree tenure which may be proved to be illegal or invalid, during the life of the incumbent.

V. Nothing contained in this regulation, shall be considered to deprive the revenue officers of the right to resume as heretofore, any mocurreree tenure proved to be illegal or invalid, during the life of the present incumbent.

VI. All

VI. All ſuch mocurreree or iſtumrar having been declared to be life tenures only, the courts of judicature are hereby further prohibited from taking cognizance of any claim to hold any land at a mocurreree or iſtumrar rent, by virtue of any grant, the poſſeſſor of which may have died at any time ſubſequent to the ceſſion or conqueſt.

Courts of juſtice prohibited from taking cognizance of claims to ſuch tenures, if the poſſeſſor of the grant ſhall have died ſubſequently to the ceſſion or conqueſt.



A. D. 1815. REGULATION II.

A REGULATION *for extending the provisions of Clause Seventh, Section* XII, *Regulation* XXIV, 1814. —PASSED *by the Vice President in Council, on the* 18*th of April* 1815; *corresponding with the* 7*th Bysaak* 1222 *Bengal era; the* 24*th Cheyte* 1222 *Fussily; the* 8*th Bysaak* 1222 *Willaity; the* 9*th Cheyte* 1872 *Sumbut; and the* 7*th Jamadi-ul-Awul* 1230 *Higeree.*

Preamble.

WHEREAS under the provisions of Clause Seventh, Section XII, Regulation XXIV, 1814, it is competent to the Governor General in Council to invest a register stationed at a place, not being the station of the zillah or city dewanny adawlut, to which he is attached, with original jurisdiction in the cognizance and trial of summary suits, originating within local defined limits; and whereas it is expedient that such original jurisdiction should not be confined to the limits of the district, in which such person may hold the office of register, but should be extended at the discretion of the Governor General in Council, to portions of other districts, in which such register may be authorized to exercise the powers of joint magistrate; the following rules have been enacted.

acted, to be in force from the date of their promulgation, throughout the territories immediately ſubject to the Preſidency of Fort William.

In what caſes a regiſter may be ſpecially empowered to take cognizance of ſummary ſuits, originating in other diſtricts, than that in which he may hold the office of regiſter.

II. It ſhall be competent to the Governor General in Council, to extend the original juriſdiction, which may be veſted in a regiſter, with regard to the cognizance and trial of ſummary ſuits under Clauſe Seventh, Section XII, Regulation XXIV, 1814, to thoſe portions of other diſtricts, in which ſuch regiſter may be authorized to exerciſe the powers of joint magiſtrate.

Proviſions of Clauſes Fourth, Fifth, Eighth, and Twelfth, Section XII, Regulation XXIV, 1814, declared to be applicable to ſuch ſuits.

III. The proviſions contained in Clauſes Fourth, Fifth, Eighth, and Twelfth, Section XII, Regulation XXIV, 1814, ſhall be conſidered to be equally applicable to ſummary ſuits cognizable by a regiſter under the original juriſdiction, which may be veſted in him in conformity with the preceding ſection, as to thoſe, which he may be authorized to receive and try under Clauſe Seventh, Section XII, Regulation XXIV, 1814.

Proceedings and periodical reports regarding ſuch ſuits how to be furniſhed.

IV. It ſhall be the duty of the regiſter to tranſmit, at ſuch time as may be found convenient, the original proceedings held by him in the trial of ſummary ſuits under Section II, of this regulation, together with the uſual periodical reports regarding ſuch ſuits, to the judge of the zillah or city within whoſe juriſdiction ſuch ſummary ſuits may have originated.

A. D. 1815. REGULATION III.

A REGULATION *for continuing the existing settlement of the district of Cuttack, the Pergunnah of Puttaspore, and its dependencies, until the expiration of the year* 1223 *Umlee.*—PASSED *by the Vice President in Council, on the* 12*th May* 1815; *corresponding with the* 31*st Bysaak* 1222 *Bengal era; the* 19*th Bysaak* 1222 *Fussly; the* 1*st Jeyte* 1222 *Willaity; the* 3*d Bysaak* 1872 *Sumbut; and the* 2*d Jummadi us Sanee* 1230 *Higeree.*

Preamble.

WHEREAS the unavoidable delay which has occurred in providing for the revision of the settlement of the district of Cuttack, the pergunnah of Puttaspore and its dependencies, which will expire with the present year 1222 Umlee, renders it expedient that the existing settlement should be continued in force until the expiration of the year 1223 Umlee, the following rules have been enacted, to be in force from the date of their promulgation.

II. The

The existing settlement of Cuttack, the Pergunnah of Puttaspore, and its dependencies, to continue in force, until the expiration of the year 1223 Umlee.

II. The existing settlement of the land revenue of the district of Cuttack, the pergunnah of Puttaspore and its dependencies, shall continue in force until the expiration of the year 1223 Umlee, subject to the following provisions.

The zemindars and farmers who may not be willing to continue their engagements to the expiration of the ensuing year 1223 Umlee, to notify the same to the collector on or before the 1st August next.

III. If any zemindar or farmer who has entered into engagements for the payment of the public revenue during the existing settlement, shall not be willing to continue those engagements to the expiration of the ensuing year 1223 Umlee, he shall notify the same to the collector of Cuttack, or to the collector of Hidgellee, according as his lands may be situated within the respective local jurisdiction of those officers, on or before the 1st August next, corresponding with the 18th Sawun 1222 Bengal era; the 11th Sawun 1222 Fussily; the 19th Sawun 1222 Willaity, the 11th Sawun 1872 Sumbut; and the 24th Shaban 1230 Higeree.

The zemindars and farmers who may not make a notification to the above effect, are declared responsible for the payment of the existing revenue during the year 1223 Umlee,

IV. All zemindars and farmers, who shall not make a notification to the effect and within the period above mentioned, shall be held, and are hereby declared to be responsible for the payment of the same revenue during the year 1223 Umlee, as may be specified in their engagements for the present year 1222 Umlee.

The collectors of Cuttack and Hidgellee how to proceed in the management of the lands which may be relinquished under the option given by Section 3, of this regulation.

V. The collectors of Cuttack and Hidgellee shall make such arrangements for the management during the year 1223 Umlee, of any lands which may be relinquished by the zemindars or farmers, under the option vested in them by Section III, of this Regulation, as may appear to be most advisable under the instructions of the Board of Revenue, and with the sanction of Government.

The zemindars not to be deprived of the benefit of the pledge conveyed in Section 4, Regulation 12, 1805, and confirmed by Section 3, Reg. 10, 1812.

VI. Nothing contained in this regulation, shall be construed to deprive the zemindars of the benefit of the pledge conveyed in Section IV, Regulation XII, 1805, and confirmed by Section III, Regulation X, 1812, purporting that at the expiration of the Umlee year 1222, a perpetual settlement will be concluded for such estates as may be in a sufficiently advanced state of cultivation, to

warrant

warrant the adoption of that meaſure without an undue ſacrifice of the public reſources; and it will conſequently be the duty of the Board of Revenue to report as ſoon as circumſtances may admit, what eſtates may be in a ſtate of cultivation to warrant the concluſion of a permanent ſettlement, either with or without an encreaſe on the aſſeſſment of 1222 Umlee, as the condition and produce of the ſeveral eſtates may ſuggeſt.

Duty of the Board of Revenue.

A. D. 1815. REGULATION IV.

A REGULATION *for modifying some of the provisions at present in force, for the collection of customs on certain articles of commerce in the territories immediately dependant on the presidency of Fort William.*—PASSED *by the Vice-President in Council on the 26th August* 1815; *corresponding with the* 12*th Bhaddoon* 1222 *Bengal era; the* 7*th Bhaddoon* 1222 *Fussily; the* 13*th Bhaddoon* 1222 *Willaity; the* 6*th Bhaddoon* 1872 *Sumbut; and the* 20*th Ramzan* 1230 *Higeree.*

Preamble.

WHEREAS it has been considered expedient, with a view to encourage the exportation of the staples and marine stores of Great Britain, that the import duties now payable at this presidency on sundry articles should be abolished, provided that the articles be imported from Great Britain or Ireland, on British registered ships, or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d GEORGE III. CAP. 155, and other subsequent Acts; and that the duties on other articles, being the produce or manufacture of the United Kingdom of Great Britain and Ireland, should

should be modified;—And whereas it has further been deemed expedient to modify and alter the duties now levied on goods, being the produce of the British territories under this presidency, on their exportation to the United Kingdom of Great Britain and Ireland on British and Indian-built ships, and to make certain other alterations in the Regulations for the collection of the customs;—the following rules have therefore been enacted, to be in force throughout the territories immediately subject to the presidency of Fort William, from the date of the enactment of this Regulation.

IMPORTS.

All Articles manufactured from wool, worsted-thread or yarn, imported from the United Kingdom on British registered ships, or Indian - built ships trading under legal authority, shall be exempt from duty.

II. Woollens, including cloths of sorts, blankets, hose, Guernsey shirts, caps, and generally all articles manufactured from wool, or worsted-thread or yarn, which may be imported from the United Kingdom of Great Britain and Ireland, on British registered ships or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d, GEORGE III. Cap. 155, and other Acts containing similar provisions, shall be exempt from duty; any thing contained in any former Regulation to the contrary notwithstanding.

Unmanufactured metals, the produce of the United Kingdom, imported in a similar manner, also exempted from duties.

III. Copper, tin, iron, steel, lead and all other metals, in an unmanufactured state, being the produce of the United Kingdom, if imported in the manner specified in the preceding Section, shall also be exempt from duties.

Canvas and other marine stores, the produce or manufacture of the United Kingdom, also exempted from duties.

IV. Canvas, cordage, and other marine stores, being the produce or manufacture of the United Kingdom, if imported in the manner specified in Section II. shall be exempt from duties.

All other articles except wines and spirits, the produce or manufacture of the United

V. *First.* All articles, the produce or manufacture of the United Kingdom, not specified in the preceding Sections, (with the exception hereafter stated) on importation at the ports of Calcutta,

Calcutta, Balasore, or Chittagong, shall be charged with a duty of (2½) two and a half per cent. to be adjusted according to the provisions established by Regulation IX. 1810, or any other Regulation in force.

United Kingdom, shall be charged with a duty of 2½ per cent.

Second. All articles, the produce or manufacture of foreign Europe, (with the exception of wines and spirits) on importation at the ports of Calcutta, Chittagong, or Balasore, on British registered ships, or Indian-built ships, trading under the provisions of the 30th Section of the Act 53d GEORGE III. Cap. 155 and other subsequent Acts, shall be subject to a duty of five per cent.

All articles, the produce or manufacture of foreign Europe, with exception to wines & spirits, shall be subject to a duty of 5 per cent.

Third. Wines and spirits of every description, imported from Great Britain or Ireland, shall continue subject to the same rate of duty with which they are chargeable, under Regulation IX. of 1810, and any other existing Regulations.

Wines & Spirits imported from the United Kingdom, shall continue subject to the duties specified in Regulation IX., of 1810, and other existing Regulations.

VI. It is to be clearly understood, that the articles specified in the preceding Sections, if imported otherwise than according to the provisions of the Acts of Parliament regulating the direct and circuitous trade between the United Kingdom and India, shall continue subject to the payment of the duties now in force under the existing Regulations.

The articles above specified, if imported otherwise than as described in Section II shall be subject to the duties specified in the existing Regulations.

VII. If the established duties on goods specified in the preceding Sections, shall have been paid at any port in the territories subject to the British Government in India, no further duty shall be levied upon their transit from port to port, within the same territories. A regular certificate of such payment, under the signature of the principal officer of the custom-house at which such duties may have been levied, shall be furnished to the collector of customs or other proper officer, at every port, to which such goods may be brought, after the first payment of duties.

The goods above enumerated, on which duties may have been paid at any other port in British India, shall not be liable to further duty on transit from port to port.

EXPORTS.

EXPORTS.

Drawback to be allowed on Indigo, the produce of the territories immediately dependant on Fort William, when exported to the United Kingdom.

VIII. *First.* Indigo, the produce and manufacture of the territories immediately dependant on the presidency of Fort William, shall be allowed a drawback on exportation on British registered ships or on Indian built ships, trading with the United Kingdom of Great Britain and Ireland, directly or circuitously, under the provisions of the Act of the 53d GEORGE III. and subsequent Acts, equal to the whole amount of the duty payable under the existing Regulations.

Drawback to be allowed on indigo the produce of the territories of the Nawaub Vizier, or any other Native Power.

Second. Indigo, the produce and manufacture of the territories of His Highness the Vizier, or of any other Native Power, shall be allowed a drawback at the same rate only as that article, the produce and manufacture of the British territories, although the duty levied may have been higher.

Such drawbacks only allowed on indigo exported by sea, to the United Kingdom.

Third. It is to be clearly understood, that the drawbacks mentioned in the two preceding Clauses, are to be allowed only on indigo exported by sea to the United Kingdom of Great Britain and Ireland; and that no drawback will be allowed on the carriage of indigo to any foreign settlement in Asia.

Drawback to be allowed on cotton-wool, hemp and sunn on exportation to the United Kingdom.

IX. On cotton-wool, hemp, and sunn, the produce of any part of India, a drawback of the whole amount of duty shall be allowed, on exportation to the United Kingdom of Great Britain and Ireland.

Rules as to drawbacks allowed on other articles, on exportation to the United Kingdom.

X. On the exportation to the United Kingdom of all other articles, including salt-petre, which are liable to duty under existing Regulations, such a drawback shall be allowed, as may reduce the duty actually receivable by Government to (2½) two and a half per cent. But no drawback shall be allowed in any instance, unless the application for drawback shall be made at the time when the goods are exported.

XI.

XI. Section V. Regulation VI. 1814, is hereby rescinded. It is however declared, that all applications for drawbacks shall be accompanied by the rowannah or rowannahs covering the goods intended to be exported, as provided in Section XX. Regulation I. 1812.

Section 5, Regulation VI. 1814, rescinded; but applications for drawbacks are to be accompanied by rowannahs, as provided in Section 20, Regulation I. 1812.

XII. In modification of the rules contained in Clause *First*, Section XII. Regulation IX. 1810, and Section III. Regulation I. 1812, it is hereby declared, that the amount of inland or transit duty to be levied on cotton-wool, both in it's cleaned and uncleaned state, shall not exceed five per cent. upon the value; under this modification therefore, the fixed rates of twelve annas per maund in it's cleaned state, and four annas in it's uncleaned state per maund of ninety-six Calcutta sicca weight, will be reduced to a rate equal to five per cent. on the value, whenever the rates before specified may exceed that amount.

Modification of rules as to levying the duty on cotton-wool.

XIII. With the above exceptions, it is hereby declared, that nothing contained in the present Regulation is to be construed to affect the inland and transit duties, payable under the provisions of Regulation IX. 1810, and Regulations I. and XIX. 1812, and Regulation VI. 1814.

With the foregoing exceptions, this Regulation not to affect the inland and transit duties.

XIV. *First.* Nothing contained in this Regulation, is intended to apply to the trade conducted on foreign bottoms, the duties on which, as specified in the existing Regulations, as well as the rules by which that trade is governed, are to remain on their present footing, until all the arrangements consequent on the treaties of peace shall have been completed.

This Regulation not applicable to trade on foreign bottoms.

Second. Neither is any thing contained in this Regulation intended to apply to deposits made previously to the date of this Regulation, for the payment of duties on goods imported, the accounts of which have not yet been adjusted. All deposits made

Nor to deposits already made for payment of duties.

made previous to the date of this Regulation shall be adjusted according to the existing rates of duties.

A. D. 1815. REGULATION V.

A REGULATION *for suspending the operation of the existing Regulations in that part of the district of Midnapore, commonly known under the denomination of the Pergunnah of Bogree,*—PASSED *by the Governor General in Council on the* 29*th of December* 1815; *corresponding with the* 15*th Poose* 1222 *Bengal era; the* 13*th Poose* 1223 *Fussily; the* 16*th Poose* 1223 *Willaity; the* 14*th Poose* 1872 *Sumbut; and the* 27*th Mohurrum* 1231 *Higeree.*

Preamble.

THE Purgunnah of Bogree in the district of Midnapore has been long infested by bands of plunderers, who have, at various periods, since the first annexation of that Purgunnah to the British territories, openly resisted the authority of Government and have committed the most atrocious acts of violence and outrage. Altho' such measures as were consistent with the principles and provisions of the existing Regulations have, from time to time, been adopted by Government and by the local authorities, with a view to the establishment of good order and permanent tranquillity in the Purgunnah of Bogree, the attain-

ment

ment of that important object has been frustrated by peculiar obstacles arising from the nature of the country, the character of the inhabitants and other special and local difficulties. The failure of all measures hitherto adopted under the existing laws to restore tranquillity; the encreasing prevalence of disorders which, if not speedily suppressed, may extend to the neighbouring jungle estates in Midnapore, Burdwan and the Jungle Mehals, and the continued resistance opposed to the authority of Government, have at length rendered it necessary that the ordinary functions of the Courts of Civil and Criminal Justice, and the operation of the general Regulations should, for the present, be suspended in that part of the district of Midnapore, commonly known under the denomination of the Purgunnah of Bogree, and that a Commissioner should be deputed to that Purgunnah for the purpose of exercising such powers and of discharging such functions and duties as may be specially entrusted to him, under the instructions of the Governor General in Council, with a view to the collection of the rents, the establishment of a regular Police, and the restoration of public order and tranquillity. The Governor-General in Council has accordingly enacted as follows:

The operation of the existing Regulations declared to be suspended in the Purgunnah of Bogree in Zillah Midnapore, from the 25th of January 1816, to the date on which this Regulation may be repealed.

II. From and after the 25th of January 1816, corresponding with the 13th Maug 1222 Bengal era; the 10th Maug 1223 Fussily; the 14th Maug 1223 Willaity; the 11th Maug 1872 Sumbut; and the 24th Suffer 1231 Higeree, the ordinary functions of the Courts of Civil and Criminal Justice, and of the constituted Revenue authorities, as well as the operation of the whole of the existing Regulations, shall be suspended within the Purgunnah of Bogree, and shall continue to be so suspended until this Regulation shall be formally rescinded by another Regulation, printed and published in the manner prescribed by Regulation XLI. 1793.

A Commissioner to be deputed to Bogree to c

III. A Commissioner shall be deputed to the Purgunnah of Bogree, who shall exercise such powers as may be entrusted to him

by

by Government, and shall be guided in the discharge of his duties and functions by the special orders and instructions of the Governor General in Council.

to act under the instructions of the Governor General in Council.

IV. Such persons as may be now detained in confinement in the jail of Midnapore, charged with offences committed in the Purgunnah of Bogree, or suspected of having been concerned with the Chooars of that Purgunnah, in the commission of crimes; and who may not yet have been tried, or committed to take their trial before the Court of Circuit, shall be transferred to the charge of the Commissioner in Bogree.

Certain persons now confined in the jail of Midnapore, charged with offences in Bogree, and who have not yet been tried or committed to take their trial to be transferred to the custody of the Commissioner in Bogree.

V. Nothing in this Regulation shall be construed to affect the sentence of the Court of Circuit, or Court of Nizamut Adawlut, in any case which may be depending before either of these Courts on or before the 25th of January 1816.

This Regulation not to affect the sentence of the Court of Circuit or Nizamut Adawlut, in cases depending in those Courts, before the 25th of January 1816.

VI. It shall further be competent to the Court of Circuit and Court of Nizamut Adawlut to try any person, whom the Commissioner in Bogree. under the instructions of Government, may commit for trial, on the charge of any crime perpetrated before or during the operation of this Regulation. In all such cases, the Court of Circuit and Court of Nizamut Adawlut shall be guided by the general Regulations in force.

And those Courts competent to try, in the ordinary mode, any individual who may be committed for trial by the Commissioner for crimes perpetrated before or during the operation of this Regulation.

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REGULATIONS

OF

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ALTERATIONS, MODIFICATIONS, EXTENSIONS, RESCISSIONS, &c. &c.

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TITLES

OF THE

REGULATIONS,

PASSED IN THE YEAR

1816.

REGULATION I.

A REGULATION for the appointment of a local commission for the superintendance of the revenues in the provinces of Benares and Behar,—Passed on the 5th January, 1816.

REGULATION II.

A REGULATION for re-establishing the office of Canoongoe, in that portion of the province of Behar, which forms the districts of Shahabad, Tirhoot, Sarun and Behar,—Passed on the 5th January, 1816.

REGULATION III.

A REGULATION for rescinding Regulation XII. 1808,—*Passed on the 12th January,* 1816.

REGULATION IV.

A REGULATION for allowing prisoners, confined under process of the Civil Courts, to deliver petitions upon unstampt paper, in certain cases,

cases, and to make further provision for the treatment of prisoners in the civil jails,—Passed on the 9th February, 1816.

REGULATION V.

A REGULATION for establishing the office of Canoongoe in the district of Cuttack, the pergunnah of Puttaspore, and the several pergunnahs dependent on it,—Passed on the 16th February, 1816.

REGULATION VI.

A REGULATION for extending, for a further period of three years, the existing settlement of Cuttack, Pergunnah Puttaspore, and its dependencies, in all cases in which the settlement may have been concluded with zemindars or actual proprietors of the land,—Passed on the 8th March, 1816

REGULATION VII.

A REGULATION for defining the tenure on which certain lands, at present included within the limits of the territories of the British Government, and subject to its general laws and regulations, are to be held as an independent Jageer by His Highness Amrut Rao,—Passed on the 22d March, 1816.

REGULATION VIII.

A REGULATION for establishing the office of superintendent and remembrancer of legal affairs,—Passed on the 29th March 1816.

REGULATION IX.

A REGULATION for the appointment of a commissioner of Revenue within that portion of the districts of the 24 Pergunnahs, Nuddeah, Jessore and Backergunge, commonly denominated the Sunderbuns.—Passed on the 26th April 1816.

REGULATION

REGULATION X.

A REGULATION for preventing the exportation by sea of Salt Petre, from any of the ports subject to the presidency of Fort William, on vessels not being the property of British subjects; and for prohibiting the importation of that article from the interior into any of the foreign settlements, situated within the limits of the said presidency,—Passed on the 26th April, 1816.

REGULATION XI.

A REGULATION for receiving, trying and deciding claims to the right of inheritance, or succession, in certain tributary estates in Zillah Cuttack,—Passed on the 10th May, 1816.

REGULATION XII.

A REGULATION for the establishment of a Custom House at Cox's Bazar, for the collection of Government Customs,—Passed on the 17th May, 1816.

REGULATION XIII.

A REGULATION for reducing into one Regulation, with alterations and amendments, the rules at present in force respecting the manufacture and sale of Opium,—Passed on the 17th May, 1816.

REGULATION XIV.

A REGULATION to provide more effectually for the management of the public Jails; and to enable the Magistrates to maintain good order and discipline in those Jails; as well as among the prisoners employed on the public roads, or other public works.—Also to place the Jail at Allypore in the vicinity of Calcutta, under the inspection and control of the Court of Nizamut Adawlut; and to provide for the transportation of convicts to the Island of Mauritius, or its immediate dependencies,—Passed on the 17th May, 1816.

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REGULATION XV.

A REGULATION for expediting the trial of Civil Suits, in which the native Officers and Soldiers, attached to regular Corps on the Military establishment of the presidency of Fort William, may be parties, and for giving to them certain facilities in the maintenance of their rights, claims and interests,—Passed on the 10th June 1816.

REGULATION XVI.

A REGULATION for extending for a further period of five years the existing settlement in the provinces ceded by the Nawaub Vizier to the British Government, in all cases in which the settlement may have been concluded with the actual proprietors of land,—Passed on the 5th July, 1816.

REGULATION XVII.

A REGULATION for the occasional revision of the regular Police and Jail establishments; for the due support and regulation of the establishments of Chokeedars; for amending the rules in force for the appointment and removal of Police Officers; for modifying the constitution of the Offices of the Superintendents of Police; and for reducing the miscellaneous business of the Courts of Circuit, and Court of Nizamut Adawlut,—Passed on the 26th July, 1816.

REGULATION XVIII.

A REGULATION for annexing to the zillah of Allahabad the pergunnah of Handya, formerly composing a part of the territories of His Excellency the Nuwaub Vizier,—Passed on the 16th August, 1816.

REGULATION XIX.

A REGULATION for the better management of ferries, and for levying a toll on the passage of persons and property over rivers and lakes,—Passed on the 23d August, 1816.

REGULATION

REGULATION XX.

A REGULATION for modifying certain parts of Regulation III. 1811,—Passed on the 25th October, 1816.

REGULATION XXI.

A REGULATION for modifying Section XLIII. Regulation XLV. 1803, which prescribes a specified weight for the copper pice to be coined at the Mint of Furruckabad,—Passed on the 8th November, 1816.

REGULATION XXII.

A REGULATION for re enacting and reducing into one Regulation, with amendments and further provisions, the rules in force for the appointment and maintenance of Chokeedars of Police,—Passed on the 27th December, 1816.

A. D. 1816. REGULATION I.

A REGULATION *for the appointment of a local commission for the superintendance of the revenues in the provinces of Benares and Behar,*—PASSED *by the Governor General in Council on the 5th January* 1816; *corresponding with the 22d Poose* 1222 *Bengal era; the 20th Poose* 1223 *Fussily; the 23d Poose* 1223 *Willaity; the 6th Poose* 1872 *Sumbut; and the 4th Suffer* 1231 *Higeree.*

Preamble.

WHEREAS it has been deemed advisable to appoint a local commission for the superintendance of the revenues of the province of Benares and that part of the province of Behar which is comprized in the zillahs of Behar, Shahabad, Sarun, and Tirhoot, and for the general control of the collectors in the discharge of their public duties in the said provinces,—the following rules have been enacted, to be in force from the 1st of February 1816, corresponding with the 20th Maug 1222 Bengal era; the 17th Maug 1223 Fussily; the 21st Maug 1223 Willaity; the 3d Maug 1872 Sumbut, and the 1st Rubee ul-awul 1231 Higeree.

II.

A Commissioner to be appointed for the superintendance of the revenues of the provinces of Benares and Behar, and for the general control of the collectors in those provinces.

II. A commissioner shall be appointed for the superintendance of the revenues of the province of Benares, and that part of the province of Behar which is comprized in the zillahs of Behar, Shahabad, Sarun and Tirhoot, and for the general control of the collectors in the discharge of their several public duties in the said provinces.

Duties and powers of the commissioner in Behar and Benares.

III. The commissioner in the provinces of Behar and Benares is hereby vested with all the duties, powers, and authority which have been hitherto exercised in the province of Benares, and in the said portion of the province of Behar by the Board of Revenue and Board of Commissioners respectively: in like manner the duties hitherto performed by the secretaries and accountants to the Board of Revenue and Board of Commissioners respectively, shall be henceforward performed, so long as this Regulation shall remain in force, by the Secretary and Accountant to the Commissioner in Behar and Benares.

What duties are to be performed by the secretary and accountant to the commissioner.

The Superintendance of the Mint, at Benares, vested in the Commissioner in Behar and Benares.

IV. The general superintendance of the Mint at Benares, shall be vested in the Commissioner in Behar and Benares, so long as the present Regulation shall remain in force, with the same powers as were vested in the Board of Commissioners by Section V. Regulation I. of 1809, in this behalf.

A. D. 1816. REGULATION II.

A REGULATION *for re-establishing the Office of Canoongoe in that portion of the Province of Behar which forms the Districts of Shahabad, Tirhoot, Sarun and Behar,*—PASSED *by the Governor General in Council on the 5th January* 1816, *corresponding with the 22d Poose* 1222 *Bengal era; the 20th Poose* 1223 *Fussily; the 23d Poose* 1223 *Willaity; the 6th Poose* 1872 *Sumbut; and the 4th Suffer* 1231 *Higeree.*

Preamble.

WHEREAS the office of canoongoe was heretofore established in the province of Behar, and whereas great inconvenience has been experienced both in the collection of the public revenue, and in the administration of justice, from the suppression of the said office, the following rules have been enacted, with a view to the revival of the office of canoongoe in all that portion of Behar which forms the districts of Shahabad, Tirhoot, Sarun and Behar, to be in force from the 1st of February 1816, corresponding with the 20th Maug 1222 Bengal era; the 17th Maug 1223 Fussily; the 21st Maug 1223 Willaity; the 3d Maug 1872 Sumbut; and the 1st Rubee-ul-awul 1231 Higeree.

II.

Number of persons to be appointed to execute the office of canoongoe in each Pergunnah, in the Districts of Shahabad, Tirhoot, Sarun, and Behar.

II. One or two persons shall be appointed to execute the office of canoongoe in every pergunnah of the districts abovementioned, unless the small extent of a pergunnah shall render it advisable to place more than one pergunnah under the same canoongoe.

In what manner they are to be selected and appointed to the office of canoongoe.

III. These officers shall be selected, in all practicable cases, by the collectors, from the number of the canoongoes who formerly discharged the duties, and shall be nominated for the approval of the commissioner invested with the control of the public revenue in the province of Behar, and shall not be removable from office, except for sufficient cause proved to the satisfaction of that authority, under the provisions of Regulation V. 1804, and Regulation VIII. 1809.

The office of canoongoe not to be considered hereditary. And in the original nomination & in supplying vacancies, selection to be made of persons from the families of the canoongoes who may be best qualified to perform the duty.

IV. The office of canoongoe is declared not to be hereditary; but in the original nomination, and in supplying future vacancies, the collectors shall make it a rule in all practicable cases, to select from the families of the canoongoes such persons as from character, education, and acquirements shall be best qualified to perform the duty.

The salaries which may be fixed for the support of the canoongoes to be considered to preclude all claims to further pecuniary allowances under whatever denomination.

The revenue of the lands hitherto held by canoongoes generally in the province of Behar in virtue of their offices, liable to resumption by Government; and this rule to be applicable to persons who may be appointed to the office of canoongoe under the present regulation, as well as to those who may not

V. The canoongoes appointed under this Regulation, shall receive such salaries as the Governor General in Council may think proper to fix for their support. The salaries so granted, shall be considered to preclude all claims to further pecuniary allowances under the denomination of nankar, or any other denomination. It is also hereby declared, that the revenue of the lands hitherto held by the canoongoes generally in the province of Behar, in virtue of their offices, will be liable to resumption by Government; and that this rule shall be considered applicable both to the persons who may be appointed to the office of canoongoe under the present Regulation, and to those who may not be employed in the public service. Nothing however

however contained in this provision, shall be construed to preclude the Governor General in Council from continuing to either of those classes of persons the whole or a part of the lands hitherto held by them respectively, free of assessment, in those cases in which the circumstances of the parties may appear to require that indulgence.

be employed in the public service

Reservation to the Governor General in Council, to continue to either of the above-mentioned classes of persons, the whole or a part of the lands hitherto held by them respectively, free of assessment

VI. The above rule is not to be considered applicable to claims to rent free lands or pensions held by the canoongoes, under grants made to the individuals, for reasons unconnected with the office of canoongoe.

The above rule not to be applicable to claims to rent free lands or pensions held by canoongoes, under grants made to them, unconnected with the office of canoongoe

VII. The canoongoes are to execute the duties herein specified.

Description of the duties to be executed by the canoongoes

1st. To keep a counterpart jumma wassil bawkee, or account of the collections made by the tehsildars, or by sezawuls, from lands held khaus, or under attachment.

2d. To keep an account of all lands, held under rent-free tenures, whether the grants be hereditary or otherwise, and to report to the collector all escheats of such lands to Government.

3d. To keep a list of the puttwarries in each village, and a register of pottahs granted by the landholders to their under-tenants.

4th. To keep a register of all transfers of estates by sale (public or private,) mortgage, lease, or otherwise, and to attest such transfers at the request of the parties, without fee, or gratuity, with their official signatures.

5th. To compile information regarding local boundaries of pergunnahs and estates; the number and names of villages, articles

ticles of produce, rates of rent, rules and customs established in each pergunnah; and to furnish at the requisition of the courts of justice, and of the collectors, all local information within their cognizance.

6th. To assist at all admeasurements of land, whether undertaken by the officers of Government, in conformity to the Regulations, or by the landholders or ryotts, and to record the same.

7th. To prepare and keep the information and accounts directed in this, or any future Regulation, in such manner and form, as may be from time to time prescribed by the commissioner invested with the control of the public revenue in the said province of Behar.

8th. To report to the collector the death of a malguzar, and the names of his heirs, and to keep a register of all successions to lands.

Persons appointed to the office of canoongoe, prohibited from holding farms, or becoming sureties for farmers or zemindars within the local limits of their official duties.

VIII. Persons who may be selected to fill the office of canoongoe, are hereby prohibited from holding farms, or from becoming sureties for farmers, or zemindars, within the local limits of their official duties.

In the event of the death, resignation, or removal of a canoongoe, the records of his office to be made over to his successor, and the magistrate to interpose his authority whenever it may be necessary to enforce the surrender of such records

IX. On the death, resignation or removal of a canoongoe, the records of the office are to be made over to his successor, and the magistrate of the zillah is enjoined, on the application of the collector, to interpose his authority in all cases in which it may be necessary to enforce the surrender of such records.

Persons subject to what penalties, on refusing to deliver up the records above-mentioned.

X. The refusal or manifest evasion of any person in possession of the records mentioned in the preceding section, to deliver them up, on the requisition of the magistrate, is hereby declared to subject the party so offending, on proof thereof, to the penalties prescribed

prescribed by the Regulations for resistance to the process of the magistrate.

XI. Nothing contained in this Regulation shall be construed to preclude the Governor General in Council from exercising the right of decreasing the number of canoongoes, or of abolishing the office in any pergunnah where from local circumstances the duty may be performed by less than two persons, or by the canoongoes in a neighbouring pergunnah; nor from exercising the right to increase the number of canoongoes in any pergunnah where from circumstances more than two may be found necessary.

Power reserved to the Governor General in Council in increasing or decreasing the number of canoongoes in each pergunnah, or of abolishing the office in any pergunnah where it may be deemed expedient.

XII. The collectors are enjoined to report to Government through the usual channel all instances wherein they may deem it expedient to increase, or diminish the number of canoongoes in a pergunnah, with their reasons at large for such opinion.

Duty of collectors to report to Government through the prescribed channel, whenever it may be deemed expedient, to increase or diminish the number of canoongoes in a pergunnah.

A. D. 1816. REGULATION III.

A REGULATION *for rescinding Regulation* XII. 1808,—PASSED *by the Governor General in Council on the* 12*th January* 1816, *corresponding with the* 29*th Poose* 1222 *Bengal era; the* 27*th Poose* 1223 *Fussily; the* 1*st Maug* 1223 *Willaity; the* 12*th Poose* 1872 *Sumbut; and the* 11*th Suffer* 1231 *Higeree.*

Preamble.

WHEREAS the settlement of Serampore has, in conformity with the provisions of the Treaty of Peace and Amity, concluded on the 14th January 1814, between His Majesty the King of Great Britain and Ireland, and His Majesty the King of Denmark, been restored to the latter power, it is deemed proper to rescind the Rules and Regulations, enacted by the Governor General in Council, for the administration of Civil and Criminal Justice at Serampore, whilst that settlement remained under the British Government, the Governor General in Council has accordingly been pleased to enact as follows:

Regulation XII 1808, and other rules in force in Serampore, rescinded.

II. Regulation XII 1808, and such other provisions of the existing Regulations, as relate to the administration of Civil and Criminal Justice in the settlement of Serampore, are hereby rescinded.

A. D. 1816. REGULATION IV.

A REGULATION *for allowing prisoners confined under process of the Civil Courts, to deliver petitions upon unstampt paper, in certain cases, and to make further provision for the treatment of prisoners in the Civil Jails,*—PASSED *by the Governor General in Council on the 9th February* 1816, *corresponding with the 28th Maug* 1222 *Bengal era; the 25th Maug* 1223 *Fusly; the 29th Maug* 1223 *Willaity; the 11th Maug* 1872 *Sumbut; and the 9th Rubbee-ul-awul* 1231 *Higerce.*

Preamble.

WHEREAS by Section XIX. Regulation XXVIII. 1814, the courts of criminal judicature are declared at liberty to receive petitions on unstampt paper from prisoners who may be confined in any of the criminal jails. By Section XX. Regulation IX. 1793, and Section XX. Regulation VI. 1803, the zillah and city magistrates are required to visit their respective jails at least once in every month, and to redress all well-founded complaints of ill treatment; also to be attentive to the health and cleanliness of the prisoners, and to see that the surgeon of the station attends and administers to the sick; Provisions for a weekly visit

to

to the public jails by the magistrates, and surgeons, are also contained in the printed rules for the management of the public jails, which were passed by government on the 8th February 1811. By Section LXII. Regulation IX. 1793 and Section XXXII. Regulation VII. 1803, the judges of circuit are likewise directed to visit the zillah and city jails at the stated period of the jail deliveries; and to issue to the magistrates any orders which may appear advisable for the better treatment and accommodation of the prisoners. But these rules have not yet been expressly extended to the civil jails and the prisoners confined in them, under decrees, or other process of the civil courts of judicature, although in many respects the stated provisions appear to be equally applicable to such jails and prisoners. The following rules are therefore enacted to be in force, as soon as promulgated, throughout the whole of the provinces immediately subject to the presidency of Fort William.

Courts of civil judicature empowered in certain cases, to receive Petitions on unstampt Paper from persons in confinement under a decree of court, or under any judicial process civil or criminal.

II. In addition to the provision contained in Section XIX. Regulation XXVIII. 1814, whereby the courts of criminal judicature are declared at liberty to receive petitions on unstampt paper, from prisoners who may be confined under examination, or sentence in any of the criminal jails, it is hereby provided, that the courts of civil judicature may receive petitions upon unstampt paper from prisoners who may be in actual confinement, under a decree of court, or under any judicial process, civil or criminal, if the court to which the petition may be presented, shall be satisfied, by the oath of the party, or otherwise that he is unable to pay the prescribed stamp duty, for the purpose of delivering such petition upon stampt paper, or without any oath, or proof to this effect, if the petition shall relate to any ill treatment alleged to have been sustained by the prisoner, during his confinement, from an officer of the jail or other person.

Judges of the zillah and city courts to visit their civil

III. The judges of the zillah and city courts shall visit the

the civil jails at their respective stations once in every week; and shall redress all well-founded complaints of ill-treatment which may be preferred to them, by the prisoners against the jailer, or other person having charge of them. They shall also be attentive at all times to the health and cleanliness of the prisoners, and be careful that the Surgeons at their respective stations, attend and administer to the sick in the civil jail, in like manner as they are required to attend the criminal jail.

vil jails weekly, and redress ill-treatment of Prisoners.

Also to attend to health and cleanliness of the prisoners; and be careful that the surgeon attend the sick in the civil jail, as in the criminal.

IV. The judges of the courts of circuit who are directed to visit the criminal jails of the zillahs and cities at the periodical jail deliveries, and to issue to the magistrates such orders as may appear to them advisable for the better treatment and accommodation of the prisoners, shall in their capacity of judges of the provincial courts, likewise visit the civil jails at each station; and are empowered to issue to the judges such instructions being consistent with the general regulations, as may appear requisite for the better treatment and accommodation of the prisoners in their jails; or for enquiring into, and redressing, if established, any alleged grievance, or undue restraint, during their imprisonment.

Judges of circuit to visit the civil jails of the zillahs and cities at the periodical jail deliveries, and empowered to issue instructions for the better treatment and accommodation of the Prisoners, and for the redress of any grievance, or undue restraint.

A. D. 1816. REGULATION V.

A REGULATION *for establishing the office of Canoongoe in the district of Cuttack, the pergunnah of Puttaspore, and the several pergunnahs dependent on it,*—PASSED *by the Governor General in Council on the* 16*th February* 1816, *corresponding with the* 6*th Phagoon* 1222 *Bengal era; the* 3*d Phagoon* 1223 *Fusly; the* 7*th Phagoon* 1223 *Willaity; the* 3*d Phagoon* 1872 *Sumbut, and the* 16*th Rubee-ul-awul* 1231 *Higeree.*

Preamble.

WHEREAS the establishment of the office of canoongoe in the district of Cuttack, the pergunnah of Puttaspore and its dependencies, may be expected to be of great public benefit in removing the obstacles which have hitherto impeded the revision of the settlement of the district and pergunnahs above-mentioned, and in otherwise facilitating the collection of the public revenue and the administration of justice, the following rules have been enacted, to be in force from the 1st March 1816, corresponding with the 20th Phagoon 1222 Bengal era: the 17th Phagoon 1223 Fusly; the 21st Phagoon 1223 Willaity; the 2d Phagoon 1872 Sumbut, and the 1st Rubee-us-Sanee 1231 Higeree.

II.

Persons to be appointed to fill the office of canoongoe, in each Pergunnah in the District of Cuttack, and in the Pergunnahs dependent on it.

II. One or two persons shall be appointed to fill the office of canoongoe in every pergunnah of the district of Cuttack in the pergunnah of Puttaspore and in the several pergunnahs dependent on it, unless the small extent of a pergunnah shall render it advisable to place more than one pergunnah under the same canoongoe.

In what manner they are to be nominated and removed.

III. These officers shall be nominated by the collectors of Cuttack and Hidgellee, within their respective local jurisdictions, for the approval of the Board of Revenue, and shall not be removable from office, except for sufficient cause proved to the satisfaction of that authority, under the provisions of Regulation V. 1801; and Regulation VIII. 1809.

The office of canoongoe not to be considered hereditary.

IV. The office of canoongoe is declared not to be hereditary, but in all pergunnahs in which persons may be found, who formerly discharged the duties of canoongoe, the officers to be appointed under this Regulation, shall, as far as practicable, be selected from among them, and in supplying future vacancies, the collectors shall make it a rule in all practicable cases, to select from the families of the canoongoes such persons as from character, education, and acquirements shall be best qualified to perform the duty.

Mode of fixing the salaries of the canoongoes.

V. The canoongoes appointed under this Regulation, shall receive such salaries as the Governor General in Council may think proper to fix for their support. The salaries so granted, shall be considered to preclude all claims to further pecuniary allowances, under the denomination of nankar, or any other denomination. It is also hereby declared, that the revenue of all lands, the grant of which may be found to have been obtained by any person in virtue of his discharging the duties of canoongoes, will be liable to resumption by Government; and that this rule shall be considered applicable both to the persons, who may be appointed

The revenue of lands, held by persons in virtue of their office of canoongoe, liable to resumption.

appointed to the office of canoongoe under the present Regulation, and to those who may not be employed in the public service. Nothing however contained in this provision, shall be construed to preclude the Governor General in Council from continuing to either of those classes of persons the whole or a part of the lands held by them respectively, free of assessment, in those cases in which the circumstances of the parties may appear to require that indulgence.

But the Governor General in Council may continue to the classes of persons mentioned in this section, the whole or any part of the lands held by them, free of assessment.

VI. The above rule is not to be considered applicable to claims to lands held free of assessment or pensions held by the canoongoes, under grants made to the individuals, for reasons unconnected with the office of canoongoe.

The preceding section not applicable to claims to lands or pensions held by such persons under grants made to them, unconnected with the office of canoongoe.

VII. The canoongoes are to execute the duties herein specified.

Description of the duties, to be executed by the canoongoes.

1st.—To keep a counterpart jumma wassil bawkee, or account of the collections made by the tehsildars, or by sezawals, from lands held khaus, or under attachment.

2d.—To keep an account of all lands, held under rent free tenures, whether the grants be hereditary or otherwise, and to report to the collector all escheats of such lands to Government.

3d.—To keep a list of the putwarries in each village, and a register of pottahs granted by the landholders to their under tenants.

4th.—To keep a register of all transfers of estates by sale (public or private) mortgage, lease, or otherwise, and to attest such transfers at the request of the parties, without fee, or gratuity, with their official signatures.

5th.

5th.—To compile information regarding local boundaries of pergunnahs and estates; the number and names of villages, articles of produce, rates of rent, rules and customs established in each pergunnah; and to furnish at the requisition of the courts of justice, and of the collectors, all local information within their cognizance.

6th.—To assist at all admeasurements of land, whether undertaken by the officers of Government, in conformity with the Regulations, or by the land-holders or ryotts, and to record the same.

7th.—To prepare and keep the information and accounts directed in this, or any future Regulation, in such manner and form, as may be from time to time prescribed by the Board of Revenue.

8th.—To report to the collector, the death of sudder malguzars, and the names of their heirs, and to keep a register of all successions to lands.

Canoongoes prohibited from holding farms, or becoming sureties for farmers or zemindars within the local limits of their official duties.

VIII. Persons who may be selected to fill the office of canoongoe, are hereby prohibited from holding farms, or from becoming sureties for farmers, or zemindars, within the local limits of their official duties.

On the death, resignation or removal of a canoongoe, the records of his office how to be made over to his successor.

IX. On the death, resignation or removal of a canoongoe, the records of the office are to be made over to his successor, and the magistrate of the zillah is enjoined, on the application of the collector, to interpose his authority in all cases in which it may be necessary to enforce the surrender of such records.

Persons refusing to deliver up the records of the office of a canoongoe, subject to what penalty.

X. The refusal or manifest evasion of any person in possession of the records mentioned in the preceding Section, to deliver them

them up, on the requisition of the magistrate, is hereby declared to subject the party so offending, on proof thereof, to the penalties prescribed by the Regulations for resistance to the process of the magistrate.

Power reserved to the Governor General in Council of increasing or decreasing the number of canoongoes in each Pergunnah, or of abolishing the office in any pergunnah, where it may be deemed expedient.

XI. Nothing contained in this Regulation shall be construed to preclude the Governor General in Council from exercising the right of decreasing the number of canoongoes, or of abolishing the office in any pergunnah, where from local circumstances the duty may be performed by less than two persons, or by the canoongoes in a neighbouring pergunnah; nor from exercising the right to encrease the number of canoongoes in any pergunnah, where from circumstances more than two may be found necessary.

The collectors of Cuttack and Hidgellee to report whenever they may deem it expedient, to increase or diminish the number of canoongoes in each pergunnah.

XII. The collectors of Cuttack and Hidgellee are enjoined to report to Government, through the usual channel, all instances wherein they may deem it expedient to encrease, or diminish the number of canoongoes in a pergunnah, with their reasons at large for such opinion.

A. D. 1816. REGULATION VI.

A REGULATION *for extending for a further period of three years the existing settlement of Cuttack, Pergunnah Puttaspore, and its dependencies, in all cases in which the settlement may have been concluded with zemindars or actual proprietors of the land,*—PASSED *by the Governor General in Council on the 8th March* 1816, *corresponding with the 27th Phagoon* 1222 *Bengal era; the 24th Phagoon* 1223 *Fusly; the 28th Phagoon* 1223 *Willaity; the 9th Phagoon* 1872 *Sumbut; and the 8th Rubbi-us-sanee* 1231 *Higeree.*

WHEREAS the existing settlement of the district of Cuttack, the pergunnah Puttaspore and its dependencies, will expire with the present year 1223 Umlee, and whereas the information hitherto acquired by the Government and the revenue authorities respecting the limits and produce of the several estates comprised within the said district and places is too imperfect, either with reference to the rights and interests of Government or of the proprietors themselves, to afford grounds for the proper adjustment of an assessment which is to remain fixed in Preamble.

in perpetuity, the following rules have been enacted, to be in force from the date of their promulgation, in the district of Cuttack and in the pergunnah of Puttaspore and its dependencies.

The existing settlement of Cuttack and of the pergunnah of Puttaspore and its dependencies, to continue in force until the expiration of the year 1226 Umlee.

II. The existing settlement of the land revenue of the district of Cuttack and of the pergunnah Puttaspore and its dependencies shall, in all cases in which it may have been concluded with zemindars or other acknowledged proprietors of land, continue in force until the expiration of the year 1226 Umlee, subject to the following provisions.

Zemindars who may not be willing to continue their engagements to the expiration of the year 1226 Umlee, to notify the same on or before the 1st July 1816

III. If any zemindars who have entered into engagements for the payment of the public revenue during the existing settlement, shall not be willing to continue those engagements to the expiration of the ensuing year 1226 Umlee, they shall notify the same to the collector of Cuttack, or to the collector of Hidgellee, according as the lands may be subject to the authority of either of those officers on or before the 1st July next, corresponding with the 19th Assaur 1223 Bengal era; the 21st Assaur 1223 Fusly; the 20th Assaur 1223 Willaity; the 6th Assaur 1873 Sumbut; and the 4th Sabaun 1231 Higeree.

All zemindars who may not make a notification to the effect and within the period abovementioned, declared to be responsible for the payment of the same revenue as may be specified in their engagements for the year 1222 Umlee.

IV. All zemindars who shall not make a notification to the effect and within the period abovementioned, shall be held, and are hereby declared to be responsible for the payment of the same revenue during the ensuing three years, viz. until the expiration of the year 1226 Umlee, as may be specified in their engagements for the year 1222 Umlee, and is demandable from them on account of the present year 1223 Umlee, under the provisions of Regulation III. 1815.

The settlement of lands let to farm or held khaus, how to be adjusted.

V. With respect to the lands which were let to farm in the year 1222 Umlee, and which were by special indulgence continued in the occupancy of the farmers during the year 1223 Umlee,

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Umlee, under the provisions of Regulation III. 1815, as well as lands now held khaus, the settlement of all such lands shall be formed for the ensuing three years with the zemindars or other actual proprietors of land, supposing such persons to be willing to engage for the payment of the public revenue on such terms as may appear reasonable, according to the most accurate information obtainable regarding the produce of their lands.

The collectors how to proceed in cases in which the zemindars may decline to engage for the payment of the revenue demandable from them, on account of such lands, or in which no acknowledged proprietors of the lands may be forthcoming

VI. In cases in which the zemindars may decline to engage for the payment of the revenue demandable from their lands during the ensuing three years, or in which no acknowledged proprietors of lands may be forthcoming, it will of course be the duty of the collector to consider whether the lands should be let to farm, or whether the rents should be collected directly from the great body of the ryots; or in other words, whether the lands shall be khaus; or whether (which will probably be found to be the most convenient and beneficial method,) a settlement should be formed for the above period of three years for the several villages with the head ryot, however denominated, of each village respectively.

A. D. 1816. REGULATION VII.

A REGULATION *for defining the tenure on which certain Lands at present included within the limits of the territories of the British Government, and subject to its general laws and regulations, are to be held as an independent Jageer by His Highness Amrut Rao,*—PASSED *by the Governor General in Council on the 22d March* 1816; *corresponding with the* 11*th Chyte* 1222 *Bengal Era; the* 9*th Chyte* 1223 *Fussily; the* 12*th Chyte* 1223 *Willaity; the* 9*th Chyte* 1873 *Sumbut; and the* 22*d Rubbi-us-sanee* 1231 *Higeree.*

Preamble.

WHEREAS a tract of land, situated near the town of Teroha in the district of Bundlecund, has been granted as an independant Jageer by the British Government to His Highness Amrut Rao, for the residence of his Highness, his dependants and attendants; and whereas it is consequently necessary that the operation of the Laws and Regulations of the British Government, and the jurisdiction of the civil and criminal courts of judicature, should cease to extend to that Jageer, the following rules have been enacted, to be in force from the date of this Regulation.

II.

The jurisdiction of the civil and criminal courts of judicature, and the operation of the general regulations, not to extend to the tract of land granted in Jageer to His Highness Amrut Rao in Bundlecund.

II. From and after the date of this Regulation, the jurisdiction of the courts of civil and criminal judicature, and the operation of the general Regulations, shall not extend to the tract of land situated near the town of Teroha in the district of Bundlecund, which has been granted as an independant Jageer to His Highness Amrut Rao, for the residence of His Highness, his dependants and attendants.

Courts of criminal justice to take cognizance of crimes committed beyond the defined limits of the abovementioned Jageer, by any of His Highness's followers or dependants.

III. Nothing in this Regulation shall be construed to preclude the courts of criminal justice from taking cognizance, under the existing Rules and Regulations, of any crimes or offences which may be committed in the district of Bundlecund, or in any other part of the British territories beyond the defined limits of the Jageer, by any of His Highness's followers or dependants, or by any other persons ordinarily residing in the Jageer in question.

The provisions of Regulation V 1809, and Regulation VIII 1813, applicable to native subjects of the British Government, who may be charged with crimes committed within the abovementioned Jageer.

IV. The provisions of Regulation V. 1809, and of Regulation VIII. 1813, are hereby declared to be applicable to Native subjects of the British Government, who may be charged with crimes and misdemeanours committed within the limits of the Jageer granted to His Highness Amrut Rao, in Bundlecund.

A. D. 1816. REGULATION VIII.

A REGULATION *for establishing the office of superintendent and remembrancer of legal affairs,*—PASSED *by the Governor General in Council on the* 29*th March* 1816; *corresponding with the* 18*th Cheyte* 1222 *Bengal era; the* 16*th Cheyte* 1223 *Fusly; the* 19*th Cheyte* 1223 *Willaity; the* 1*st Cheyte* 1873 *Sumbut; and the* 29*th Rubbi-us-Sannee* 1231 *Higeree.*

Preamble.

THE duty of determining on the propriety of instituting or defending, on the part of government, original suits or appeals in the several courts of civil judicature, rests under the existing Regulations with the Governor General in Council, and with the several boards, acting under his authority in different departments.—With a view to afford further facilities in the discharge of a duty which so materially involves the reputation as well as the interests of the government, it is deemed advisable that an officer should be appointed, who, in the quality of superintendent and remembrancer of legal affairs, may aid the said authorities in such manner as may, on experience be deemed most convenient, as well in the conduct of important suits

and

and appeals when instituted, as generally in deciding on the propriety of having recourse to the established courts of justice for the recovery or maintenance of the rights and interests of government.—It is conceived also, that the public convenience will be in other respects promoted by the apppointment of an officer of this description, whose services may, in certain cases of more than ordinary importance, be available in matters of a criminal as well as of a civil nature; and who may be employed by government in the conduct of other judicial concerns in any mode not inconsistent with the existing Regulations. The following rules have accordingly been enacted, to be in force from the date of the promulgation of this Regulation throughout the whole of the provinces immediately subject to the presidency of Fort William.

A Covenanted Servant to be appointed to the office of superintendent and remembrancer of legal affairs.

II. A covenanted servant of the Company shall be appointed to the office of superintendent and remembrancer of legal affairs.

The superintendent and remembrancer is to furnish such aid in the conduct of cases in which government may be concerned in the civil or criminal courts of justice as may be deemed advisable.

III. It shall be competent to the Governor General in Council to avail himself of the services of the superintendent and remembrancer of legal affairs in the maintenance of the public interests, by directing him to furnish such aid in the conduct of cases in which government may be concerned, in the civil or criminal courts of justice, as may be deemed advisable.

And to furnish an opinion on the merits of any case that may be referred to him for the purpose, by the public authorities duly authorized by this Regulation.

IV. It shall moreover be the immediate duty of this officer to furnish an opinion on the merits of any case that may be referred to him for the purpose, either by the government or by any other authority duly authorized by this Regulation; distinguishing clearly in each case whether the determination of the depending question rests upon matter of fact, or upon the provisions of the regulations of the British government, or lastly upon the principles of the Hindoo and Mahomedan laws. In the last mentioned

mentioned case, it shall be the duty of the superintendent and remembrancer uniformly to consult the proper law officer attached to the Sudder Dewanny Adawlut, and Nizamut Adawlut, previously to submitting his opinion on the subject.

V. In carrying into effect the provisions of the second and third clauses of Section III. Regulation II. 1814, and previously to determining on the propriety of authorizing a recourse to judicial process, the Board of Revenue, the Board of Commissioners in the Ceded and Conquered Provinces, the Commissioner in Behar and Benares, and the Board of Trade are authorized to call for the sentiments, and to avail themselves of the assistance of the superintendent and remembrancer of legal affairs, in such manner as they may deem expedient, under the instructions which may be communicated to them for that purpose by the Governor General in Council.

In what cases the several boards or other public authorities may avail themselves of the services of the superintendent and remembrancer of legal affairs.

VI. The provisions of clause third, Section XXXVII. Regulation XXVII. 1814, are hereby declared to be equally applicable to the superintendent and remembrancer of legal affairs as to the other officers and authorities adverted to in that clause.

The provisions of clause third, Section XXXVII. Regulation XXVII. 1814, declared to be equally applicable to the superintendent and remembrancer of legal affairs as to the authorities adverted to in that clause.

VII. *First.* In modification of the rule contained in the second clause, XXXVII. Section, Regulation XXVII. 1814, the following provisions are enacted.

Clause second, Section XXXVII. Regulation XXVII. 1814, modified by this Regulation.

Second. On the occasion of vacancies occurring in the office of the vakeels of government in the Courts of Justice, such courts shall not nominate any individual to succeed to the office, but shall merely report the circumstance for the information of government, to the secretary in the Judicial Department.

On vacancies occurring in the office of the vakeels of government, the courts of justice are merely to report the circumstance for the information of government to the secretary in the Judicial Department.

Third. It will rest with government to ascertain by such enquiries as they may deem necessary, which of the constituted pleaders

The Government will ascertain which of the pleaders may be best fitted to succeed to the vacant office.

pleaders of the court is best fitted by his qualifications and character to succeed to the vacant office, and to appoint such individual accordingly.

Suits instituted under clause 4, Section 3, Regulation II 1814, how to be entered on the file.

VIII. In cases in which a party preferring a petition of complaint against a collector of the land revenue, or of customs, or against a commercial resident, or other person amenable to the courts of civil judicature, for acts connected with his official duties, may not be considered entitled to redress from government, under the provisions of clause third, Section III. Regulation II. 1814; and who may consequently, under the fourth clause of that Section, proceed to prosecute the case in the regular course of law, such suit shall be entered on the file of the court, from the date on which the petition was originally received, and the case shall be brought to a hearing and determination, in the order in which it would have been heard and determined, had it been originally instituted on such date.

A. D. 1816. REGULATION IX.

A REGULATION *for the appointment of a commissioner of revenue within that portion of the districts of the 24-Pergunnahs, Nuddea, Jessore and Backergunge, commonly denominated the Sunderbuns,*—PASSED *by the Governor General in Council on the 26th April* 1816, *corresponding with the 15th Bysack* 1223 *Bengal era; the 14th Bysack* 1223 *Fusly; the 16th Bysack* 1223 *Willaity; the 14th Bysack* 1873 *Sumbut; and the 27th Jumadee-ul-awul* 1231 *Higeree.*

Preamble.

WHEREAS it has appeared advisable to appoint an officer for the performance of certain duties connected with the public resources in the tract of country ordinarily called the Sunderbuns; the following rules have been enacted, to be in force from the 1st of May 1816, corresponding with the 20th Bysack 1223 Bengal era; the 19th Bysack 1223 Fusly; the 21st Bysack 1223 Willaity; the 4th Bysack 1873 Sumbut; and the 2d Jumadee us-sanee 1231 Higeree.

Appointment of a commissioner in the Sunderbuns.

II. An officer shall be appointed under the appellation of commissioner

To be vested with the same authority as Collectors.

commissioner in the Sunderbuns—The commissioner in the Sunderbuns shall be vested within such local limits as may be, from time to time, established by the Governor General in Council with all the duties, powers and authority which have been or may be exercised by the collectors of land revenue (including the charge of the Abkarry Mehal) under the rules and regulations which have been or may be enacted; and shall be subject to the control and superintendance of the Board of Revenue, in the same manner as the collectors of the several zillahs situated within the limits of their authority.

And to be subject to the control of the Board of Revenue.

A. D. 1816. REGULATION X.

A REGULATION *for preventing the exportation by sea of Salt Petre from any of the Ports subject to the Presidency of Fort William, on vessels not being the property of British Subjects; and for prohibiting the importation of that article from the interior into any of the foreign Settlements situated within the limits of the said Presidency,*—PASSED *by the Governor General in Council on the 26th April* 1816, *corresponding with the* 15*th Bysack* 1223 *Bengal era; the* 14*th Bysack* 1223 *Fusly; the* 16*th Bysack* 1223 *Willaity; the* 14*th Bysack* 1873 *Sumbut; and the* 27*th Jumadee-ul-awul* 1231 *Higeree.*

Preamble.

WHEREAS it has been deemed expedient, with a view to the promotion of the commercial intercourse between India and Great Britain, and to the general interests of the British nation, to prohibit the exportation of Salt Petre from the ports subject to the Presidency of Fort William, otherwise than on vessels belonging to British subjects, and likewise to prohibit the importation

tation of the said article into any of the ports, settlements, factories or possessions subject to the dominion of any foreign European State, and situated within the limits of the territories of the said Presidency, the following rules have been enacted, to be in force throughout the territories immediately subject to the Presidency of Fort William from the date of the promulgation of this Regulation.

Salt Petre not to be exported on any other than vessels belonging to British subjects.

II. The exportation by sea, of Salt Petre from any of the ports subject to the Presidency of Fort William, except on vessels belonging to British subjects, is hereby prohibited.

The importation of it from the interior into any foreign settlements prohibited.

III. The importation of Salt Petre from the interior into any of the settlements, ports, factories or possessions subject to the dominion of any foreign European State, and situated within the limits of the territories dependent on the Presidency of Fort William, except in the cases provided for in Section VIII. of this Regulation, is hereby strictly prohibited.

Exception.

On breach of the foregoing rules, the Salt Petre liable to seizure and confiscation.

IV. All Salt Petre attempted to be exported by sea from any of the ports subject to the Presidency of Fort William, otherwise than on vessels belonging to British subjects, shall be liable to seizure and confiscation, and all Salt Petre attempted to be imported into any of the foreign settlements referred to in the above Section, shall be liable to seizure and confiscation, together with all boats, carriages, and cattle on which it may be laden.

Duty of the custom officers to enforce the prohibition.

V. The officers of customs are hereby required to use their utmost endeavours to enforce the above prohibition, for which purpose they are hereby authorized and enjoined to detain all Salt Petre which they may discover in the act of being shipped on board any foreign vessel lying in any of the ports subject to the Presidency of Fort William, or of being taken within the limits of the said foreign settlements, in opposition to the provisions

of

of this regulation: It shall be the duty of the officers of the police, on due application being made to them for that purpose, to give every requisite aid and support to the officers in the department of customs in carrying this provision into effect.

VI. Salt Petre detained under the rule contained in the above Section shall, within twenty-four hours of its seizure, be delivered to the nearest collector of government customs.

Salt Petre where to be delivered on seizure.

VII. The rules contained in Section XXXIII Regulation IX. 1810, shall be applicable to all Salt Petre detained on the ground of its being liable to confiscation under the provisions of this Regulation; any thing contained in the second Clause of that Section to the contrary notwithstanding; provided, however, that nothing shall be understood as authorizing the Board of Revenue to permit the exportation of Salt Petre on foreign bottoms, or the importation of that article into any of the foreign settlements.

Section XXXIII. Regulation IX 1810, how far applicable to Salt Petre under seizure.

Proviso.

VIII. Individuals residing within the limits of any foreign settlement shall be allowed to take within the same, such quantity not exceeding one maund, as the collector of customs of Hooghly shall be satisfied is necessary for their private consumption or for retail sale. In all such cases, application shall be made to the said collector of government customs, who will, at his discretion, grant a pass, specifying the name of the person in whose favor it is granted, and the quantity of Salt Petre to be taken, and certifying that the same is for private use or retail sale. No pass so granted, shall be in force for more than twelve hours.

What quantity allowed to be taken by individuals residing within foreign settlements.

A. D. 1816. REGULATION XI.

A REGULATION *for receiving, trying and deciding claims to the right of Inheritance, or Succession, in certain Tributary Estates in Zillah Cuttack,*—PASSED *by the Governor General in Council on the* 10*th of May* 1816; *corresponding with the* 29*th Bysack* 1223 *Bengal era; the* 28*th Bysack* 1223 *Fusly; the* 30*th Bysack* 1223 *Willaity; the* 14*th Bysack* 1873 *Sumbut; and the* 11*th Jumadee-us-Sanee* 1231 *Higeree.*

Preamble.

WHEREAS it is necessary that Provision should be made for receiving, trying and deciding claims to the right of inheritance or succession in certain tributary estates in zillah Cuttack, which were excepted by Section XI Regulation XIV. 1805, from the operation of the general rules for the administration of civil justice, established in the provinces of Bengal, Behar, and Orissa; and Whereas the nature of the tenures by which those estates are held, the character of the inhabitants, and other local circumstances, render it expedient that the estates in question should not be subject to partition, but should descend entire and undivided, to the persons respectively having the most substantial claim according to local and family usage; the following rules

rules have been enacted to be in force from the date of the promulgation of this Regulation, in zillah Cuttack.

Claims to the right of inheritance or succession to certain tributary estates in Cuttack how to be tried.

II. All claims to the right of inheritance, or succession, to any of the undermentioned tributary estates, are to be heard, tried and determined in the first instance, by the superintendent of the Tributary Mohauls in zillah Cuttack.

Killah - Neelgery,
Ditto - Bankey,
Ditto - Joormoo, alias Duspullah,
Ditto - Nursingpore,
Ditto - Angole,
Ditto - Talcher,
Ditto - Autgurh,
Ditto - Keonjur,
Ditto - Kindeaparah,
Ditto - Nealigurh,
Ditto - Rampore,
Ditto - Hindole,
Ditto - Teegeeah,
Ditto - Burumbah,
Ditto - Dekenal
The Territory of Mohurbunge.

On what Laws and usages such claims are to be decided.

III. The superintendent in deciding cases of the above nature, shall be generally guided by the established laws and usages of the respective tributary estates. Provided however, that the estates above enumerated shall in no case be considered liable to be divided according to the Hindoo law, but shall descend entire to the person having the most substantial claim according to local and family usage.

Proviso

Suits not cognizable, if the cause

IV. The superintendent is prohibited from taking cognizance of

of any suit, the cause of action in which shall have arisen antecedent to the 14th day of October 1803, the date on which the Fort and town of Cuttack were surrendered to the British arms.

of action made before the 14th of October 1803.

V. The established pleaders of the zillah court shall attend the superintendent's court, to be held in the court house of the zillah adawlut; and they shall receive the same fees as are authorized on the pleading of causes in the zillah courts; subject of course to the prescribed rules in the cases of paupers.

The pleaders of the Civil Court are to attend the Superintendent's Court, and entitled to fees.

VI. The Hindoo law officer of the zillah court is to expound the Hindoo law, in all cases wherein it may be requisite for the due determination of causes pending before the superintendent.

The Hindoo law officer of the zillah court is to expound the Hindoo law when requisite.

VII. All processes issued in suits instituted under this Regulation, shall bear the official seal and signature of the superintendent; and shall be executed by the officers on his establishment, in like manner as all similar processes issued by the judge of the zillah court are executed; and any disobedience and resistance to his process, shall be liable to a fine to government to be fixed by the superintendent, subject to the confirmation of the court of Sudder Dewanny Adawlut; or, if the offender be a landholder or sudder farmer, and the case appear to call for it, by a confiscation of his estate or farm; commutable to a fine by the Sudder Dewanny Adawlut, or Governor General in Council.

Rules regarding the issuing of Processes by the superintendent.

Penalty for resistance of process.

VIII. In the trial of all suits instituted under this Regulation, the superintendent shall be guided by the general rules prescribed for the trial of civil causes, before the judges of the zillah courts, subject to the special provisions contained in this Regulation, or in points not specially provided for, to any qualification of the general rules, which may be found expedient, and may be sanctioned by the court of Sudder Dewanny Adawlut.

Rules to be observed by the Superintendent in the trial of all suits instituted under this Regulation.

IX.

Stampt paper shall not be required in these Suits.

IX. It shall not be requisite to use stampt paper for the plaints, pleadings, decrees, or any papers relative to suits instituted under this Regulation, nor shall any durkhaust on stampt paper be required for the admission of exhibits, or the issue of summonses to witnesses, in such suits, when tried in the first instance, or in appeal.

Deposit to be made on account of the pleader's fee.

X. When the plaintiff or defendant may appoint a pleader, to prosecute or defend a suit, under this Regulation, he shall deposit in the court a sum equal to the amount of the pleader's fee, unless from the oath, or solemn declaration of the party, or from the evidence of two credible witnesses, the superintendent shall be satisfied of the inability of the plaintiff, or defendant to make such deposit; in which case he shall be admitted as a pauper, and the stated deposit shall not be required.

Exception in cases of paupers.

An appeal may be made from the Superintendent's decision to the Sudder Dewanny Adawlut.

XI. In all suits decided and orders passed by the superintendent under this Regulation, an appeal from his decisions and orders shall lie to the Court of Sudder Dewanny Adawlut, provided that the petition of appeal be preferred within three months after the decree or order appealed from, shall have been passed.

Rules to be observed on admitting a petition of Appeal.

XII. The petition of appeal shall be presented to the superintendent, and shall contain a full and explicit statement of the appellant's objections to the decree or order from which he is desirous to appeal. The appellant if not admitted as a pauper under Section X. shall at the same time tender good security for the payment of any costs which may be adjudged on the determination of the appeal by the Sudder Dewanny Adawlut, or if unable to give such security, shall make oath or subscribe a solemn declaration to his inability, or adduce two creditable persons to prove the same.

Duty of the superintendent on

XIII. On receipt of the petition of appeal, with the prescribed

bed security or proof of inability required in failure thereof, the superintendent shall cause a copy to be made of the decree or order from which the appeal may be required, and within fifteen days shall certify and transmit the same, with the petition of appeal, to the court of Sudder Dewanny Adawlut.

receipt of a petition of appeal.

XIV. *First*—When the court of Sudder Dewanny Adawlut may admit the appeal, they will cause a precept to be issued under the seal of the court, and the signature of the register addressed to the superintendent, requiring him within such period as may be limited by the precept, to furnish a complete record of all papers received, and proceedings held in the case; and also to call upon the respondent or respondents for his or their answer or to appear in person or by vakeel, within a certain time before the Sudder Dewanny Adawlut, and deliver his or their answer to that court.

Course to be pursued if the petition of Appeal be admitted by the Sudder Dewanny Adawlut.

Second. The superintendent on receipt of the precept shall comply with the exigency thereof, as required; or in the event of his not being able to carry the same into complete execution within the prescribed period, shall certify the same to the court of Sudder Dewanny Adawlut, with notice of the period within which a further return will be made.

The superintendent to comply with the exigency of precepts of the Sudder Dewanny Adawlut.

XV. It shall be optional with appellants and respondents in appeals to the Sudder Dewanny Adawlut, under this Regulation, to attend in person, or by vakeel for the prosecution or defence of their appeals before that Court; or to deliver their proceedings to the superintendent of the tributary Mehals; who, in the latter case, shall forward them, as soon as received, to the Sudder Dewanny Adawlut, and communicate to the parties any orders which may be issued by that Court.

The parties may plead their own causes in appeal, or may appoint vakeels, or may deliver their proceedings to the superintendent of the tributary Mehauls Duty of the Superintendent in such cases.

XVI. In cases wherein it may appear to the Court of Sudder Dewanny

The Sudder De-

wanny Adawlut may either refer the cause back to the superintendent or direct further evidence.

Dewanny Adawlut, that the cause in appeal has not been sufficiently investigated, and consequently that further evidence is required for the just determination of it, that court is empowered to refer the cause back for further trial and judgment to the superintendent, or to direct that further evidence be taken and transmitted to the court.

The provisions of Section III declared applicable to the decisions passed by the Sudder Dewanny Adawlut.

XVII. The provisions contained in Section III, by which the decisions passed by the superintendent, are to be governed, shall be considered equally applicable to the decisions of the Sudder Dewanny Adawlut in all appeals under this Regulation.

Also the principles of Sections IV V VI. VIII IX & X. of this Regulation.

XVIII. The principles of the several provisions contained in Sections IV. V. VI. VIII. IX. and X. of this Regulation, shall also be considered applicable to all appeals from decisions or orders of the superintendent of the tributary Mehals in zillah Cuttack, which may come before the court of Sudder Dewanny Adawlut.

The execution of the decree passed by the superintendent to be postponed if the appellant shall give sufficient security.

XIX. *First* In cases of appeal to the Sudder Dewanny Adawlut from any decree or order of the superintendent involving a transfer of property, or any change in the actual possession of property, the decree or order appealed from, shall not be carried into execution during the appeal to that Court, provided the appellant shall give good and sufficient security for the performance of the final decision, which may be passed upon the appeal, and in no instance shall the Superintendent cause to be carried into execution any such decree or order passed by him, until the period allowed for the appeal may have elapsed.

If appellant fail to give security the decree shall be executed, provided the respondent gives sufficient security.

Second. In the event of the appellant's not giving security for staying the execution of the decree appealed from, and of it's being consequently put into execution whilst an appeal is pending, good and sufficient security shall be taken from the respondent

dent for the performance of the final decision which may be passed upon the appeal.

Third. In case neither party shall be able to give the requisite security, the estate in dispute shall be attached by order of the superintendent, until the security required shall be received, or until the final determination be passed by the Sudder Dewanny Adawlut upon the case.

In case neither party shall be able to give the requisite security the Estate in dispute shall be attached.

Fourth. No decree or order whether of the superintendent of the Tributary Mehals, or of the Sudder Dewanny Adawlut, involving a transfer of the property or an actual change in the possession of any of the estates enumerated in Section II. of this Regulation, shall be carried into execution, without a previous communication being made by the Sudder Dewanny Adawlut to government; in order that sufficient time may be afforded for the adoption of any precautionary measures which may be eventually judged requisite to support, and enforce the execution of the decree or order without hazard to the public tranquillity.

Previous to the execution of any decree, whether of the Superintendent or of the Sudder Dewanny Adawlut, a communication must be made to Government.

XX. *First.* The judgments of the Sudder Dewanny Adawlut shall be final and conclusive in all appeals heard and determined by that court under this Regulation, within the limitation of appeals to the King in Council, prescribed by the Statute 21, George III. Cap. LXX. Section XXI. Viz. five thousand pounds or Sicca Rupees 43,103.

To what amount the decisions of the Sudder Dewanny Adawlut shall be considered final.

Second. If the amount or value adjudged shall, exclusive of costs of suit exceed the sum of 5,000£ or Sicca Rupees 43,103, a further appeal will be open to His Majesty in Council; and shall be received by the Sudder Dewanny Adawlut, under the provisions which have been enacted for receiving such appeals in Regulation XVI. 1797.

An Appeal to the King and Council may be made in certain cases and shall be received by the Sudder Dewanny Adawlut.

A. D. 1816. REGULATION XII.

A REGULATION *for the establishment of a Custom House at Cox's Bazar, for the collection of Government Customs,*—PASSED *by the Governor General in Council on the* 17*th May* 1816; *corresponding with the* 5*th Jeyte* 1223 *Bengal era; the* 6*th Jeyte* 1223 *Fusly; the* 6*th Jeyte* 1223 *Willaity; the* 6*th Jeyte* 1873 *Sumbut; and the* 18*th Jumadee-us-sanee* 1231 *Higeree.*

Preamble.

WHEREAS it has been deemed advisable to establish a custom house in the southern division of the District of Chittagong, for the collection of government customs on articles of merchandize, the following rules have been enacted, to be in force from the period of the promulgation of this Regulation.

A Custom House to be established in the southern division of Chittagong.

II A custom house for the collection of government customs shall be established at Cox's Bazar, or at such other station in the southern division of the district of Chittagong as may be deemed expedient; and the general rules which are at present in force, or which may be hereafter enacted with respect to the said customs

For the collection of duties under the general Regulations.

customs in other parts of the country, shall be considered applicable to the said station of Cox's Bazar, in common with those established in other parts of the country.

A. D. 1816. REGULATION XIII.

A REGULATION *for reducing into one Regulation, with alterations and amendments, the rules at present in force respecting the manufacture and sale of Opium,*—PASSED *by the Governor General in Council on the* 17*th May* 1816, *corresponding with the* 5*th Jeyte* 1223 *Bengal era; the* 6*th Jeyte* 1223 *Fusly; the* 6*th Jeyte* 1223 *Willaity; the* 6*th Jeyte* 1873 *Sumbut, and the* 18*th Jumadee-us-Sanee* 1231 *Higeree.*

Preamble.

WHEREAS rules have, from time to time, been enacted for the guidance of the persons concerned in the provision of opium at the agencies established on the part of Government in the provinces of Behar and Benares, and for preventing the illicit cultivation of the poppy and the illicit manufacture and sale of opium, and for regulating the internal sale and consumption of that drug; and whereas it has been deemed advisable to establish an agency in zillah Rungpore for the provision of opium to be reserved exclusively for retail sale and consumption within the provinces immediately dependent on the presidency of Fort William; and whereas it has appeared expedient, with the view of better securing the public revenue arising from opi-

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um, to enact further rules for the prevention of the illicit cultivation of the poppy and the illicit manufacture, sale, and consumption of the drug, and to make provision by better regulating its internal sale, for supplying the consumers of opium with the drug in a pure and unadulterated state, and for limiting the use of it, as far as possible, to cases in which it may be necessary or salutary; and whereas it will tend to the public convenience to consolidate the whole of the rules in force respecting this branch of the public revenue into one Regulation, with alterations and amendments; the following rules have been passed, to be in force throughout the provinces immediately dependent on the presidency of Fort William, from the date of the promulgation of this Regulation.

Specification of existing rules rescinded.

II. Section III. Regulation XXXII. 1795, Sections VII. VIII. and IX. Regulation I. 1797, Regulation VI. 1799, Regulation XLI. 1803, Regulation V. 1807, and Regulation VI. 1809, Section XXXII. Regulation IX. 1810, Clauses 3d, 4th and 5th, Section XVII. Regulation X. 1813, together with such other parts of the same Regulation as refer to the illicit manufacture and sale of opium, and are not specially re-enacted by this Regulation, are hereby rescinded.

The cultivation of the poppy and manufacture of opium prohibited. Exception.

III. The cultivation of the poppy and manufacture of opium within any of the provinces dependent on the presidency of Fort William, excepting on account of Government, or with their sanction, are hereby prohibited.

The importation of opium prohibited.

IV. The importation of opium, the produce or manufacture of the territories of the Nawaub Vizier, the Mahratta territories, or of any foreign country, into the provinces dependent on the presidency of Fort William, or any of them, is hereby prohibited.

A covenanted servant of the Company to superintend the provision of opium.

V. The superintendence of the provision of opium shall, as heretofore, be intrusted to agents, or to such other officers, being covenanted servants of the Company, as the Governor General in Council shall appoint to the said duty.

VI.

VI. In addition to the agencies already constituted and existing in the provinces of Behar and Benares, an agency shall be established under the commercial resident at Rungpore, within such local limits as the Governor General in Council may, from time to time direct, for the provision of opium, to be reserved exclusively for retail sale and consumption within the provinces immediately dependent on the presidency of Fort William, under the rules hereinafter prescribed.

The commercial resident at Rungpore vested with the powers of an opium agent.

VII. The rules contained in this Regulation respecting the functions, duties, and authority of agents for the provision of opium are to be considered equally applicable to their deputies in charge of subordinate establishments, or to any other person, being a covenanted servant of the Company, and intrusted with the superintendence of the provision of opium.

Deputies in charge of subordinate establishments, to be guided by the same rules as agents.

VIII. Every person who may be appointed an agent for the provision of opium on account of Government, or a deputy or an assistant to such agent, previously to entering on the execution of the duties of his office, shall take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it.

Form of oath to be taken by an opium agent, deputy, or assistant.

"I. A. B. appointed to the office of
swear, that I will render true and faithful accounts of the expenditure of the sums which may be advanced to me, and of the opium produced, whenever required, and that I will not, at any time during the period of my holding the said office, have any concern in opium, or derive directly or indirectly, any profit from my situation, excepting such as the orders of Government do or may authorize me to receive, or knowingly suffer any of my officers or dependants to derive any advantages or profits, but such as shall be duly allowed."

"So help me God."

IX.

Settlements to be made annually in writing with the ryots who may choose to cultivate the poppy.

IX. The agents employed by Government in the provision of opium, shall annually, in due time, previous to the proper period for issuing the advances, make a settlement with the ryots who may choose to engage to cultivate the poppy, of the prices to be paid for the opium in the ensuing season. In this settlement, the rate per seer in sicca rupees, as well as the weight of the seer, according to the number of sicca weight contained in the seer peculiar to each purgunnah, is to be specified on the completion of such settlement, a copy and a translation of it shall be forthwith sent to the Board of Trade for their consideration, and on the agents' receiving their approval of it, copies of the settlement shall be sent by the agents to the several judges and collectors of land revenue or other officer in charge of the abkarry mehal within whose jurisdiction the poppy is cultivated, to be fixed up in their court rooms, and cutcherries; and the price settled for each pergunnah shall also be published by the agent in the pergunnah to which it relates.

Ryots may either enter into engagements to cultivate the poppy on account of Government, or decline cultivating it altogether.

X. It is left to the option of every person to enter into engagements for the cultivation of the poppy on account of Government, at such prices as may be settled for the produce, or to decline the cultivation of it altogether.

Nature of the engagements which the agents are to take from the cultivators of the poppy.

XI. The agent, or a person deputed by him, at the season of sowing the poppy, is to take an engagement from the cultivator specifying the number of begahs agreed to be cultivated, with the amount of the advance received by him, and the cultivator shall be bound to cultivate that number of begahs, or be liable to a penalty of three times the amount advanced on each begah, and proportionably for any part of a begah not so cultivated. When the poppy shall be full grown, the agent is to depute a person who shall proceed with the cultivator into the field, and with the assistance of two or three other creditable cultivators, form an estimate of what such field is likely to produce,

duce, whereupon the ryot or cultivator is to enter into an engagement to deliver so much, and should the field produce more, to deliver that also pro rato. The agent shall as soon as practicable after the sowing season, transmit a separate list of the cultivators, from whom he may take engagements in each pergunnah, to the magistrate and to the collector or other officer in charge of the abkarry mehal of the zillah.

Officers in the employ of the agents or their deputies, prohibited from taking any gratuity.

XII. Officers of every description in the employment of the agents or their deputies, are prohibited from taking or receiving any fee, gratuity, perquisite, or allowance, either in money or effects under any pretence whatever, from any ryots or other person employed or concerned in the provision of opium; and if any such description of person subject to the authority of the agent, shall be convicted before the zillah or city magistrate within whose jurisdiction the offence may have been committed of disobedience to this prohibition, he shall, besides being dismissed from his office by the officer or authority to which he may be subject, be further liable to imprisonment for any term, not exceeding six months, which the court may judge proper, together with such fine, not exceeding 200 rupees, as may appear adequate to his offence, commutable, if not paid, to a further period of imprisonment not exceeding six months; and upon the circumstances being represented by the Board of Trade to the Governor General in Council, he will, if it shall appear proper, declare the offender incapable of serving Government in any capacity thenceforward, and will cause the same to be published.

Penalties on conviction.

Weights and scales for weighing the opium to be sealed by the magistrate of the district.

XIII. The weights and scales made use of in the koties or warehouses in the different purgunnahs for weighing the opium received from the ryots, are to be sealed with the seal of the magistrate of the district, and examined annually by him, or by such person as he shall think proper to appoint for that purpose, during the month

month of January. The agents or their officers making use of weights or scales not so sealed, or knowingly using uneven scales or incorrect weights though sealed, will be liable to such fine not exceeding 500 rupees as the magistrate may think proper to impose. The opium shall be fairly weighed in the presence of both parties by the beam being properly suspended to a triangle, or wooden stand or fixture, and every other mode of weighing will be considered as illegal.

How the opium is to be weighed.

Stipulations concerning ryots who may not deliver the full quantity of opium agreed for.

XIV. In the event of the cultivator failing to deliver the full quantity of opium agreed for by him in the manner specified in Section XI,. if the agent shall suspect or believe the cause of failure to be in the wilful neglect of the ryot, he shall complain to the zillah or city judge within whose jurisdiction the land of the ryot may be situated, and if it shall be proved, to the satisfaction of the judge, that the failure has been owing to neglect, he is to award that the ryot shall restore the proportional advance with interest at the rate of twelve per cent. per annum. The ryot, so failing to fulfil his contract, shall likewise be liable at the discretion of the judge to a further penalty not exceeding the amount of interest, to the payment of which he will be liable under the above provision.

Agents or their representatives how to proceed in cases where the opium is delivered in too liquid a state.

XV. In cases in which the ryots shall deliver the opium in too liquid a state, or not inspissated to, what is deemed by experienced persons, the proper state of consistence, the agents or their officers are to appoint two or more creditable opium ryots or cultivators to decide on their dherm or conscience, what surplus quantity or keirdah, shall be taken as an equivalent for the over weight arising from such want of consistence, and the parties shall abide by their award, unless it shall be proved to the satisfaction of the zillah or city judge within whose jurisdiction the opium shall be delivered to the officer of government, that the arbitrators have been guilty of partiality.

XVI.

XVI. Where the crude material shall be delivered in by the ryot or cultivator in an adulterated state, as by the mixture of foreign ingredients, the agents or their officers may immediately seize on, and declare the same confiscated, sealing it up at the same time in the presence of the ryot, and under his signature or mark, and in the presence of two or more creditable witnesses; depositing it also in a secure and separate place and leaving the ryot to have recourse against them to the zillah or city court, for which purpose they are to keep the said opium thus sealed up for one month, and if in that time, the ryot shall not lodge his complaint, it shall not afterwards be heard, and the agents shall then open the said opium and report the particulars of the case to the Board of Trade for their orders. Provided further, that in such cases the said opium-ryot or cultivator shall, on failure to furnish the full quantity of opium agreed for by him, exclusive of the adulterated opium, be prosecuted in the Dewanny Adawlut of the city or zillah, and shall be liable to the penalty prescribed in Section XIV. in the case of failure by wilful neglect, viz. to refund the proportional advance with interest, and an eventual fine.

Agents how to proceed where cultivators deliver in adulterated opium.

XVII. If any zemindar or other proprietor of land, or any farmer of land, or their representatives, should exact more from the ryots on account of their poppy lands than the established rates, the agent or the ryot from whom such exactions may be made is to be at liberty to prosecute the person guilty of such exactions in the zillah or city Dewanny Adawlut, the judge of which shall forthwith enquire into the same, and, on proof of the exaction, shall adjudge the person guilty of the offence to restore the amount levied in excess of the established rate, with a further penalty of treble the amount.

Proprietors and farmers of lands how to be proceeded against in case they attempt to encrease the rents of the poppy lands.

XVIII. The opium agents and their Native officers of every description, are declared amenable to the Dewanny Adawlut of the

Agents and their officers liable to to be sued in the zillah Dewanny Adawlut for breach of Regu-

lations under the restrictions herein specified.

the city or zillah within the jurisdiction of which they may be stationed for all acts done by them in their official capacity: provided however that any person conceiving himself aggrieved by the act of an opium agent or of any ministerial officer acting under his authority, shall, in the first instance, make application for redress to the agent himself; and in the event of his not being satisfied with the order which the agent may pass upon such application, it shall then be competent to him either to lay his case by petition before the Board of Trade, or at once to seek redress in the Dewanny Adawlut, or the city or zillah within the jurisdiction of which he may reside. The rules contained in Regulation II. 1814, shall be considered applicable to all cases that may arise under the operation of this Section, and the course therein prescribed shall be observed in the admission of such cases.

Rules contained in Regulation II. 1814, applicable to cases under this Section.

Agents are not to prefer any suit without the sanction of the Board of Trade.

XIX. The opium agents shall not, in their official capacity, prefer any suit to any of the courts of Dewanny Adawlut without the previous sanction of the Board of Trade.

Judges to take cognizance of all causes respecting opium, with as little delay as possible.

XX. The judges of the Dewanny Adawlut of the several cities or zillahs are to take cognizance of all causes, respecting opium, instituted by an agent or his representative against the ryots or others concerned in the provision or manufacture of that article, or by the latter against the former, as well as suits preferred under the provisions of Section XVII. of this Regulation against zemindars or other proprietors of land, and proceed to try and decide upon the same with as little delay as possible, and without attending to the order in which they may stand on the file. In all matters relating to the trial and decision of such suits, the payment of costs and the execution of decrees not expressly provided for in this Regulation, the courts shall be guided by the general rules and usages observed in other suits cognizable by them.

Courts to be guided by general rules in cases not expressly provided for in this Regulation.

Judges not to interfere with the

XXI. Nothing however contained in the above Sections shall be

be construed to authorize the courts of Dewanny Adawlut to interfere in cases the cognizance of which is vested by this Regulation in the collectors of land revenue or other officers in charge of the abkarry mehal.

powers vested in collectors and others, for the cognizance of certain suits.

XXII. When any process shall be issued by a court of civil judicature or a collector, assistant collector, or officer in charge of the abkarry mehal to an agent, the judge or the register of the court, or the collector, assistant collector or officer aforesaid, is to transmit the process under a sealed cover, addressed to the agent in the form of a letter, and superscribed with his name and official appellation. The agent is immediately to acknowledge the receipt of the process by an endorsement to that effect on the instrument, and to return it under a sealed cover addressed to the officer from whom it may have issued.

Civil process to be issued to the agents under a sealed cover, and to be returned by them in like manner.

XXIII. To facilitate the communication between the agents and their officers of kotees, and their vakeels in the zillah or city courts, or the provincial courts of appeal and the Sudder Dewanny Adawlut and the mookhtars employed by them, with the collector or other officer in charge of the abkarree mehal who may be entrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they may continue in office, or after their removal, they are permitted to forward, free of postage, any instructions which they may have to transmit to their vakeels and agents aforesaid. The instructions are to be enclosed under a sealed cover directed to the vakeel or mookhtar. The instructions so sealed and directed, are to be transmitted, under a sealed cover, addressed to the register of the court or the collector or other officer before whom the cause may be depending, and superscribed with the name and official appellation of the person dispatching it, or that which he bore when the cause of action arose. The register of the court, collector or other officer, immediately on receiving the instructions, is to deliver them sealed to the vakeel or mookhtar to whom

Communication by letter between agents and their officers and their vakeels, respecting suits in which they are concerned, to be free of postage.

Rules in such cases.

whom they may be directed. In like manner, the vakeels in any of the courts or mookhtars aforesaid to whom the pleading of such suits or appeals may be committed by agents or their head-officers of kotees, are authorized, either whilst their constituents remain in office, or after they shall have been removed, to forward any papers which they may have to convey to their constituents by the public dawk free of postage. The papers are to be enclosed in a cover sealed with the seal of the vakeel or mookhtar, and the judge, or the register to the court, or the collector, or other officer before whom he is employed, shall transmit the papers so sealed, in a cover, sealed and addressed to the person to whom they are to be forwarded, and superscribed with his official signature.

Board of Trade may take upon themselves the prosecution or defence of the suits.

XXIV. In cases in which the Board of Trade may judge it expedient, or in which they may receive orders for the purpose, from the Governor General in Council, they are to take upon themselves or entrust to an officer specially appointed for the purpose, the superintendence of the prosecution or defence of any suit or appeal in which they, or their officers may be engaged, either in a zillah or city court, or in a provincial court of appeal, or in the Sudder Dewanny Adawlut, or before a collector of the land revenue or other officer in charge of the abkarry mehal, or before the Board of Revenue, the Board of Commissioners or the Commissioner in Behar and Benares, instead of leaving the superintendence of the conduct of the suit or appeal to the agent, or any of his officers, or dependents.

Board of Trade may authorize an appeal, if dissatisfied with a decree or judgment.

XXV. If the Board of Trade shall be dissatisfied with a decree or judgment passed against an agent or any of his officers on suits in which they may have been engaged in any court of civil judicature, or before a collector of land revenue or other officer in charge of the abkarry mehal, under the rules hereinafter prescribed, either with or without their orders or the orders of the Governor General in Council, they may authorize an appeal under the prescribed rules.

XXVI.

XXVI. The provisions contained in Clauses 4th, 5th, 6th, 7th, 8th, 9th, and 10th, Section X. Regulation XXXI. 1793, are hereby extended to the undermentioned officers employed under the agents for the provision of opium.

The provisions of Clause 4 to 10 inclusive, of Section X. Regulation XXXI. 1793, extended.

The Dewan,
Naib Dewan,
Cash-keepers,
Mohurrers,
Nagree Writers,
Godown-keepers,
Gomashtahs of kotees,
Cash-keepers Ditto,
Mohurrers Ditto,
Purkeas,
Dandidars.

XXVII. A register of the names and stations of the officers enumerated in the preceding Section shall be formed, and a copy of such register in the native languages shall be transmitted, once in every year, to the judge and magistrate and the collector or other officer in charge of the abkarry mehal of the zillah in which such officer may reside. It shall also be the duty of the agent to keep the judge and magistrate and the collector or other officer aforesaid informed of any intermediate change of those officers.

Register of the officers above enumerated to be formed, copy to be transmitted to specified Public functionaries.

XXVIII. The following rules are enacted for the prevention of the illicit culture of the poppy and the illegal manufacture, sale, purchase, importation, transportation or possession of opium.

Objects of the following Sections.

XXIX. The several magistrates and the collectors or other officers in charge of the abkarry mehal, on the receipt of the lists of the opium ryots or cultivators directed to be furnished to

Duties of the magistrates, and other public officers on the receipt of the lists furnished to them under Section XI. of this Regulation, defined.

to them by Section XI. of this Regulation, shall transmit to the several police and abkarry darogas under their respective authority, a copy of the list of the cultivators residing in the pergunnahs within the respective jurisdictions of each daroga, with directions to prevent persons, who may not have entered into engagements with the opium agent, from cultivating the poppy, and all darogas within whose jurisdictions there may be no opium cultivation on the part of government, shall be annually instructed by the several magistrates and collectors or other officers aforesaid, to use their endeavours to prevent the illicit culture of the poppy.

Penalty against ryots, convicted of embezzlement of opium.

XXX. Ryots receiving advances for the cultivation of the poppy on account of Government, who may be guilty of embezzlement of the opium, for the provision of which they may have received advances from Government, or of otherwise illegally disposing of it, shall be liable to prosecution before the collector of the land revenue or other officer in charge of the abkarry mehal of the district, and on conviction shall be liable to a fine of 8 rupees per seer and confiscation of the opium, if it can be seized, and when it cannot be seized, to a fine of 16 rupees per seer, on the quantity proved to have been embezzled or otherwise illegally disposed of. In addition to the above penalties, the offenders shall be liable to imprisonment for a period not exceeding 6 months, and to further imprisonment not exceeding six months more, in the event of the fine not being duly discharged.

Persons illicitly cultivating the poppy, liable to prosecution and penalty on conviction.

XXXI. Any person who shall cultivate the poppy in opposition to the prohibition contained in Section III. of this Regulation, shall be liable to prosecution before the collector of the land revenue or other officer in charge of the abkarry mehal of the district, and on conviction shall be subject to a penalty, to be calculated at the rate of 20 sicca rupees per biggah for whatever quantity of land shall have been so illegally cultivated, and if the poppy plants shall be growing on the said land, and the opium shall not have

have been extracted therefrom, the plants shall be destroyed. If the opium shall have been extracted and shall be seized the same shall be confiscated. If the opium shall have been extracted and shall not be seized, the cultivator of the said land shall be subject to a penalty of 32 sicca rupees per begah, instead of 20 sicca rupees per begah as above directed. In addition to the above penalties the offender shall be liable to imprisonment for a period not exceeding six months, and to further imprisonment not exceeding six months more in the event of the fine not being duly discharged.

Landholders of every denomination as well as their subordinate officers, to give the earliest information of all poppy illegally cultivated within the limits of their estates.

XXXII. All zemindars, talookdars and other proprietors of land, whether malgoozary or lakheraj, all sudder farmers and under renters of land of every description, all dependent talookdars, all naibs, gomastahs and other local agents, all sezawuls, tehsildars and other native officers employed in the collection of the revenue and rents of lands on the part of Government, or the Court of Wards, are hereby declared accountable for giving the earliest information to the police or abkarry darogas, to the magistrates, collectors of land revenue, or officers in charge of the abkarry mehal, collectors of customs, opium agents or their deputies, of all poppy which may be illegally cultivated within the limits of the estate or farm held or managed by them.

To whom the information is to be given.

Penalty in the event of their neglect or connivance being established.

XXXIII. Any landholders or other description of persons above noticed to whom such responsibility is declared to attach, who may wilfully or knowingly neglect to give the information hereby required to the nearest police or abkarry daroga, the magistrate, the collector of land revenue or officer in charge of the abkarry mehal, the collector of Government customs, the superintendent of salt chokies the opium agent, or his deputy or assistant shall, on proof of such neglect before the collector of the land revenue or other officer in charge of the abkarry mehal, be liable to the penalty, with the exception of imprisonment stated in Section XXXI. for whatever quantity of land shall be illegally cultivated with

with the poppy on their respective estates or farms, or on the lands under their management, unless it shall clearly appear to have been so cultivated without their knowledge or connivance.

Native officers of Government to give similar information to the authority under whom they are placed. The officer in charge of the abkarry mehal to be immediately made acquainted with the information obtained.

XXXIV. All native officers of Government of whatever description are hereby strictly enjoined, under pain of dismission from office and such punishment as shall be specially prescribed, to give immediate information to the authority under whom they are placed of all poppy which may be illegally cultivated within their knowledge, and the magistrate or other authorities above alluded to who may receive information of such illicit culture, shall immediately transmit the information so received to the collector of the zillah or other officer in charge of the abkarry mehal.

Duties of a police or abkarry daroga on receiving intelligence of the cultivation of the poppy, in opposition to the provisions contained in Section III. of this Regulation.

XXXV. Whenever a police or abkarry daroga shall obtain intelligence of any land within his jurisdiction having been cultivated with the poppy in opposition to the prohibition contained in Section III. of this Regulation, he shall immediately proceed to the spot, and if the information be correct, shall attach the crop so illegally cultivated, and report the same without delay to the authority to which he may be subject. Such police or abkarry daroga shall, at the same time, take security from the cultivator of the said ground for his appearance before the collector or other officer in charge of the abkarry mehal; and in the event of such cultivator not giving the required security, he shall send him in custody to the magistrate or the collector or other officer in charge of the abkarry mehal, according to the authority under which such daroga is placed, with the necessary witnesses to prove the quantity of land which may have been cultivated by him with the poppy.

Police and abkarry darogas declared liable to fine and imprisonment if convicted of permitting or

XXXVI. Any police or abkarry daroga who shall knowingly permit the cultivation of the poppy within his jurisdiction, or who shall

shall in any respect be convicted of conniving at the illicit cultivation of the poppy, shall, besides being liable to dismission from office for neglect of duty under the existing Regulations, be further subject on conviction before the magistrate of the zillah to the payment of the fine stated in Section XXXI. for whatever quantity of land shall have been so illegally cultivated within his jurisdiction, with his knowledge or connivance, the fine if not duly paid shall be commutable to imprisonment for a period not exceeding six months.

Conniving at the illicit cultivation of the poppy, in addition to dismission from office.

XXXVII. Any subordinate officer of the opium agents who shall be convicted of conniving in any way at the illicit cultivation of the poppy shall in like manner be liable to dismission from office and to pay on conviction before the Magistrate the fine (commutable as above) stated in Section XXXI. for whatever quantity of opium shall have been so illegally cultivated with his knowledge and connivance, and likewise to imprisonment for a period not exceeding six months.

Subordinate officers of the opium agents declared subject to certain penalties on conviction of the like offences.

XXXVIII. Proprietors and farmers of land, in whose estates or farms any poppy shall be grown in opposition to the provisions of this Regulation, shall be at liberty to attach such illicit crop of poppy grown within their own estates, such persons shall immediately report the same to the nearest police or abkarry daroga, who shall proceed thereupon in conformity to the rules contained in Section XXXV. of this Regulation.

Landholders may attach illicit crop of poppy grown within their own estates.

Immediate information to be given to police or abkarry daroga.

Their duties.

XXXIX. All opium, excepting that which may have been manufactured on account of the Government, or sold by their authority, which may be found within the provinces dependent on the presidency of Fort William, will be considered as contraband, and shall be liable to seizure and confiscation, together with the boats, carriages, cattle and packages used in the storing or transport of it.

What opium shall be considered contraband, and liable to seizure and confiscation.

XL.

Rule to be observed by purchasers of opium at the public sales, when desirous of exporting it by sea.

XL.—Persons who may be desirous of exporting by sea opium, purchased at the Company's sales, shall produce a certificate from the Board of Trade, or one of their authorized Officers, signifying that the opium in question, was so purchased

Certificate.

The certificate must specify the purchase, lot, the mark and number of each of the chests applied for, the name of the purchaser, the cost of the opium, and the date of the sale. Any opium not corresponding with the certificate shall be liable to confiscation.

Opium not corresponding with the certificate, liable to be confiscated.

Officers empowered to seize opium together with the cattle, carriages, boats, and other articles.

XLI. The following officers are hereby declared to possess authority to seize all opium, together with the cattle, carriages, boats and other articles, which under the provisions of this Regulation may be liable to seizure and confiscation, viz. the opium agents, their deputies and assistants, zillah and city magistrates, collectors of land revenue, or officers in charge of abkarry mehal or both, where the offices may be separate, collectors and deputy collectors of customs, superintendents of salt chokies, and their subordinate officers respectively, being above the rank of peons, burkundoses or ordinary chuprossees; provided however that no person shall break open any boat, carriage, chest, cask, box, bale, package or other article suspected to contain opium, except under a warrant from the magistrate or collector of the district, or other officer in charge of the abkarry mehal, and any person detaining on such suspicion, otherwise than under the orders of one of these two last mentioned officers, any boat, carriage, cask, chest, box, bale, or package, shall be liable, if no contraband opium be found, and if the detention appear to have been made without sufficient cause, to be adjudged by the collector of the zillah or other officer in charge of the abkarry mehal to pay to the party injured the damages he may have sustained by such detention. Provided further that all native officers making a seizure under the powers vested in them by this Regulation, shall, within 24 hours of making such seizure, communicate

Boats, carriages, &c. not to be broken open.

Exception.

Remedy to the party injured.

Duty of the native officers on making such seizure.

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communicate their having done so with a report of the circumstances connected with the seizure, to the authority to which they may be respectively subject; and any magistrate or other officer to whom a seizure may be thus communicated shall immediately transmit the report to the collector of the zillah or other officer in charge of the abkarry mehal to whom all opium so seized shall be delivered.

Information to be immediately communicated to the collector, or other officer in charge of the abkarry mehal to whom all opium so seized shall be delivered.

XLII. All native officers of government of whatever description are hereby strictly enjoined under pain of dismission from office and the penalties hereinafter specially provided, to assist in suppressing the illicit manufacture, sale, purchase, importation, transportation or possession of opium by seizing the same if authorized to do so, or if not vested with power of seizure by giving immediate information to the authority to which they may be respectively subject of all instances of such illicit manufacture, sale, purchase, importation, transportation or possession of opium which may come to their knowledge: any magistrate or other officer to whom such information may be given shall immediately transmit the same to the collector of the zillah or other officer in charge of the abkarry mehal.

Duties of native officers in the suppression of the illicit manufacture, sale, purchase, importation, transportation or possession of opium.

Duty of the magistrate or other officer to whom such information may be communicated.

XLIII. When any opium shall be seized and delivered to the collector of the zillah or the assistant collector in places where such officers are appointed, the collector or assistant collector (as the case may be) shall issue a publication notifying that if no claimants thereto shall appear within one month, it will be confiscated. If any claimant shall in consequence appear within the limited period, the collector is to investigate and decide on his right to the opium, and in the event of his deciding against the claimant, or of no person appearing to claim the opium, he is to declare the opium confiscated, to be applied in such mode as may be prescribed by the Governor General in Council.

When any opium shall be seized and delivered to the collector or assistant collector, rules to be observed.

Boats, bullocks or other cattle, and the carriages on which contraband opium may be loaded liable to confiscation.

XLIV. All boats, carriages, bales, casks, chests, boxes, or packages, on which or in which any contraband opium may be loaded or concealed, together with all horses, bullocks, or other cattle employed in its transportation, are hereby declared to be liable to confiscation, and they shall be delivered to the collector of the zillah or other officer in charge of the abkarry mehal, by whom they shall on the confiscation of the opium be sold and the proceeds disposed of in the manner hereinafter prescribed.

Penalties against persons proved to have purchased contraband opium, or having it in their possession.

XLV. All persons who may be proved to have purchased contraband opium, or in whose possession contraband opium may be found, shall be liable to prosecution before the collector of land revenue or other officer in charge of the abkarry mehal, and on conviction shall be subject to a fine of 8 sicca rupees per seer on the quantity of contraband opium which they may have purchased or may have in their possession, in addition to the confiscation of the opium when it can be seized, and when it cannot be seized 16 sicca rupees per seer of 80 sa. wt. to be recoverable by suit or information before the collector of the zillah within whose jurisdiction the offender may reside. In cases in which the above fine shall not amount to sicca rupees 500, the said offender shall likewise be liable at the discretion of the collector or other officer in charge of the abkarry mehal to a further fine not exceeding such sum as shall make the total fine imposed amount to sa. rs. 500. In addition to the above penalties, the offender shall be liable to imprisonment for a period not exceeding 6 months, and to further imprisonment not exceeding 6 months more in the event of the fine not being duly discharged.

Landholders and local agents, and native officers, employed in the collection of the revenue, or rents of lands, on the part of Government, or court of wards, declared subject to what penalties.

XLVI. All zemindars, talookdars, or other proprietors of land, whether malgoozary or lakheraj, all farmers of land, holding farms immediately of Government, all naibs, gomastahs, or other local agents, all sezawals, tehsildars or other native officers employed in the collection of the revenue or rents of lands on the

part

part of Government or court of wards, (when not themselves the purchasers or possessors of the opium) are declared liable to the like penalty, recoverable as above described for all contraband opium which may be proved to have been sold within the limits of the lands in their possession or management with their connivance or knowledge, that is to say, 8 rupees per seer when the opium may be seized, and when it cannot be seized 16 rupees per seer of 80 sa. wt.

Rewards to be granted to native officers and others giving information regarding the illicit culture of the poppy, or illegal transfer of contraband opium.

XLVII. All native officers of government or other persons who may give information of the illicit culture of the poppy, or the illegal manufacture, sale, purchase, importation, transportation or possession of opium, or who may be actively concerned in promoting any lawful seizure of contraband opium or attachment of crops under this Regulation, shall, on the attachment of land illegally cultivated with the poppy or the seizure and confiscation of contraband opium, be entitled to the rewards hereinafter prescribed.

What other public officers shall be entitled to rewards.

XLVIII. The opium agent of Behar and his deputies, the commercial residents at Ghazeepore and Rungpore, or other officers to whom the superintendence of the provision of opium at those places may be entrusted, the collectors and deputy collectors of customs and the superintendents of salt chokies, shall be entitled to the rewards hereinafter prescribed in the cases hereinafter specified.

Amount of the reward to be given to the person on whose information the penalty may be levied, if the crop be destroyed or opium be not seized.

XLIX. In any cases in which the fine of 16 rupees per seer on opium embezzled by ryots cultivating on account of Government, shall be levied *when the opium may not be seized* in conformity to Section XXX. of this Regulation, or in which the penalty specified in Sections XXXI. XXXIII. XXXVI. and XXXVII. shall be levied on account of the illegal cultivation of the poppy, when the crop shall be destroyed, or when the opium produced

shall

shall not be seized, one half of such fine shall be paid to the person, in consequence of whose information the fine shall have been so levied, whether he be an officer of Government or not.

Valuation of opium seized. In what proportions and to what persons rewards are to be distributed.

L. All illicit opium that may be seized shall be valued at 10 rupees per seer, and the person or persons who may give information of opium illegally cultivated, sold, purchased, or transported within, or imported into any of the provinces dependent on the presidency of Fort William, or of any description of contraband opium, provided such opium be attached and confiscated in consequence of his or their information, shall be entitled to a reward calculated at the rate of 2 rupees 8 annas per seer of eighty sicca weight on the quantity of opium so attached, and also to one fourth of any fine that may be levied conformably to this Regulation in consequence of the confiscation of the opium in question. The subordinate officers of Government to whom the information may be given, and who may be immediately concerned in making the attachment, shall be entitled to the same reward, that is to say, to 2 rupees 8 annas per seer of 80 sicca weight on the opium confiscated; and to one fourth of the fine levied, subject however to the discretion of the collector of the land revenue or other officer in charge of the abkarry mehal, or in case of appeal from the order of confiscation passed by that officer, subject to the discretion of the authority by which the final judgment shall be passed, to make the distribution of the reward to one or more persons as their conduct may respectively appear to merit. The opium agent of Behar and his deputies, the commercial residents at Ghazeepore and Rungpore, or other officers to whom the superintendence of the opium agency at those places may be entrusted, the collectors and deputy collectors of customs and the superintendents of salt chokies, shall be entitled to a reward of 5 rupees per seer of 80 sicca weight on the quantity of opium so attached by the subordinate officers, acting under their controul respectively, and to one half of the fine levied, sub-

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ject however to the discretion of the Board of Revenue, the Board of Commissioners and the commissioner in Behar and Benares, as the case may be, to make the distribution of the reward to one or more of the above officers as may be deemed fair and reasonable, on a consideration of the circumstances of the case.

Specification of rewards in the event of contraband opium being seized by the officers of government, and not upon information given by other persons.

LI. In case any attachment should be made of such Opium exclusively by the officers of government, and not upon information given by other persons, the opium agent of Behar or his deputy, the commercial resident of Ghazeepore or Rungpore, the collectors or deputy collectors of customs and the superintendents of salt chokies, by whose subordinate officers the seizure may have been effected, shall be entitled to a reward of five rupees per seer of eighty sicca weight on the quantity of opium confiscated, as well as to one half of any fine that may be levied thereupon, and the subordinate officers concerned in making the seizure shall be entitled to a reward of five rupees per seer of eighty sicca weight, on the quantity of opium confiscated in consequence, as well as to one half of any fine that may be levied thereupon.

Rule to be observed in the distribution of the proceeds of the sale of any confiscated boats, carriages, &c. &c.

LII. The opium agent of Behar or his deputy, the commercial resident of Ghazeepore or Rungpore or other officers, to whom the superintendence of the provision of opium at those places may be entrusted, the collectors or deputy collectors of customs and the superintendents of salt chokies, shall be entitled to one half of the amount proceeds of the sale of any confiscated boats, carriages, bales, casks, chests, boxes, packages, horses, bullocks or other cattle, which may have been seized by their subordinate officers respectively. One quarter of the amount proceeds of the sale of such confiscated articles shall be paid to the subordinate officers concerned in effecting the seizure, if the seizure be made on information given, and one quarter of the amount proceeds thereof shall be paid to the informer

In the event of the seizure being made on information.

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In the event of the seizure being made by the officers of Government exclusively.

in consequence of whose information the boats, carriages, &c. may have been seized and confiscated. In cases where the seizure may have been made exclusively by the officers of government, and not on information, the subordinate officers concerned in making the seizure shall be entitled to one half of the amount proceeds of the sale of the confiscated articles above-mentioned.

Object of the succeeding sections declared.

LIII. The following rules have been enacted for regulating the internal consumption of opium and for preventing the illicit sale of that drug.

The retail sale of opium forms a branch of the abkarry revenue.

LIV. The retail sale of opium in the interior shall be considered a branch of the abkarry revenue, and shall be conducted under the superintendence and directions of the collectors of land revenue or other officers entrusted with the charge of the abkarry mehal, subject to the control of the Board of Revenue, the Board of Commissioners in the ceded and conquered provinces, and the commissioner in the provinces of Benares and Behar respectively.

The Collectors are to indent upon their immediate superiors for a supply of opium.

LV. The collectors or other officers entrusted with the charge of the abkarry mehal shall, once every year or oftener, state to the Board of Revenue, the Board of Commissioners and the commissioner of Behar and Benares, the quantity of opium which may be required for their respective districts, and shall be supplied with the same in the mode which the Governor General in Council shall direct.

Shops to be established.

LVI. Shops shall be established on the part of government for the retail sale of the drug, at such places as may be deemed most convenient for supplying the wants of the community.

The shops are to be conducted by persons to be appointed by the officer in charge of the abkarry mehal.

LVII. The sale of opium at the shops which may be established by government, shall be conducted by persons nominated

for

for that purpose by the collectors or other officers in charge of the abkarry mehal respectively, with such other establishment as may be deemed necessary, either at a fixed monthly salary, or to be paid by a commission on the amount sale of the opium, or partly by both, as may be considered to be most expedient.

Sunnud to be given to the person so nominated; and security to be required from him.

LVIII. The person so nominated shall receive a sunnud drawn up in the form No. 1, annexed to this Regulation, and shall enter into a corresponding engagement. The person so nominated shall moreover give such security as the collector or other officer in charge of the abkarry mehal, shall require.

Penalty for breach of the conditions of his engagement.

LIX. Any breach of the conditions of his engagement shall render the offender liable to dismission from his office, and to a fine not exceeding five hundred rupees, or in the event of the fine not being duly discharged, to such imprisonment not exceeding six months, as the collector may deem adequate to the degree of offence committed.

Officers of the abkarry mehal may authorize the retail sale of opium if sanctioned by their immediate superiors.

LX. In cases in which it may be deemed advisable, the collectors or other officers in charge of the abkarry mehal may, with the sanction of the Board of Revenue, the Board of Commissioners or the Commissioner in Behar and Benares, authorize individuals to vend opium by retail under regular licenses.

Rule to be observed in the event of such an arrangement being deemed advisable.

LXI. In cases in which an arrangement of this nature may be judged advisable by either of the above-mentioned authorities, due notice shall be publicly given of such intention and of the periods at which licenses will be granted to individuals for the retail sale of that article, and the conditions on which such licenses will be granted.

Mode to be adopted by persons desirous of obtaining a license. Engagement to be required from a li-

LXII. In such cases any person desirous of obtaining such a license shall present a derkhaust or written application to that purport

Licensed retail vender.

purport to the collector or other officer in charge of the abkarry mehal, specifying the place at which he is desirous of establishing his shop; and on his application being acceded to, shall furnish such security for the due performance of his engagements as the collector or officer aforesaid shall deem sufficient.

License to be granted on security being furnished, and a correspondent kubooleat to be taken.

LXIII. On the person so applying having furnished the security referred to in the preceding Section, a license for one year shall be granted to him agreeably to the form No. 2, affixed to this Regulation, and a correspondent kubooleat be taken from him.

In what portions, by whom, and at what rate of daily tax, opium is to be furnished to the licensed retail venders.

LXIV. The opium shall be furnished to the licensed venders in monthly portions, and it shall be the duty of the Board of Revenue, the Board of Commissioners and the commissioner in Behar and Benares respectively, to determine the terms on which the opium is to be supplied, and the amount of the daily tax which they shall be required to pay in addition to the price of the opium which they may clear out. The Boards aforesaid shall cause the highest price or rates of duty to be fixed that can be done, without risk of giving rise to the illicit manufacture and sale of opium.

Such licenses when to be considered forfeited.

LXV. On any breach of the conditions of his engagement, not being an offence specifically provided for, the license granted to the opium vender shall be considered forfeited, and the offender shall be liable to a fine not exceeding fifty rupees, and in the event of the fine not being duly discharged, to such imprisonment not exceeding one month, as the collector or other officer in charge of the abkarry mehal may deem adequate to the offence committed. The offender shall likewise forfeit his security to such extent as the collector may judge necessary, to indemnify government for the loss occasioned by his default, over and above the amount payable by him in the ordinary course, under the engagement

ment contracted with the collector or other officer entrusted with the abkarry mehal up to the date of the resignation of his sunnud.

LXVI. Persons licensed to vend opium shall be at liberty to surrender their licenses; and shall be relieved from their engagements on making application for that purpose to the collector, and paying a sum equal to the daily tax for one month, over and above the amount payable by them in the ordinary course, under their engagements contracted with the collector or other officer in charge of the abkarry mehal, up to the date of the resignation of their licenses.

Conditions under which a licensed retailer of opium may surrender his license, specified.

LXVII. Any license which may be issued under the rules of this Regulation, shall only be considered to authorize the establishment of one shop. If any vender shall be desirous of establishing more than one shop, he shall take out a separate license for each: but all licensed venders of opium shall be held answerable for the due performance of the conditions of their licenses by the persons to whom they may entrust the management of any shop, in the same manner as they are themselves responsible for their own acts; and any licensed vender of Opium, selling the drug elsewhere than in the shop specified in his license, shall be held liable to the penalties prescribed for the illicit vend.

A separate license required for each shop.

The licensed vender declared responsible for the acts of the persons employed by him in the management of any shop.

LXVIII. The Board of Revenue, the Board of Commissioners and the Commissioner in Behar and Benares, may likewise, in cases where it may appear advisable, authorize the collectors or other officers in charge of the abkarry mehal, to grant on application from any person, whether licensed vender or otherwise desirous of vending opium at any temporary haut, a special license for that purpose, specifying the name of such haut and the number of days for which the license shall have effect. This license shall be drawn out (mutatis mutandis) in a form similar to No. 2, annexed to this Regulation.

Special licenses.

Form of license.

LXIX.

Commission allowed to officers in charge of the abkarry mehauls

LXIX. The collectors or other officers entrusted with the abkarry mehals shall be allowed a commission of five per cent. on the net amount realized by them on the sale of opium under the provisions of this Regulation.

Penalty for any attempt to sell adulterated opium

LXX. If in any case adulterated opium be attempted to be delivered out or offered for sale, directly or indirectly, by any of the venders (or persons employed by them) nominated by the collector or other officer in charge of the abkarry mehal, to conduct the sales at the shops established on account of government, or by any licensed vender of opium, the license granted to him shall be forfeited, and he shall be subject, on conviction before the collector, to a fine not exceeding five hundred rupees, and to such imprisonment not exceeding six months as the collector of the zillah may judge proper; the opium shall be confiscated and destroyed, and all boats, carriages, cattle and packages of whatever description on which or in which it shall be found, shall be seized and confiscated. The person giving information of the fact shall, on the conviction of the offender, be entitled to a moiety of whatever fine the collector or other officer in charge of the abkarry mehal may deem it proper to impose on the offender.

Reward to informer on the conviction of the offender

Mode of establishing the adulteration of opium

LXXI. If the person so charged shall deny that the opium is adulterated, the collector of the zillah shall refer the opium for examination to the surgeon of the station, or where there may be no surgeon, shall summon and examine two or more of the most respectable native doctors or other competent judges on the point; and for this purpose the collector or other officer in charge of the abkarry mehal, shall always retain a certain quantity of all despatches of opium which he may deliver to the venders, as a sample with which to compare the opium sold by them.

The provisions of Regulation X 1812, extended as far as regards the sale of opium in

LXXII. The rules prescribed in Regulation X. 1812, respecting the sale of spirituous liquors in the vicinity of military cantonments

tonments, shall likewise be applicable to the sale of opium under the provisions of this Regulation.

the vicinity of military cantonments.

LXXIII. The rules contained in Regulation X. 1813, and Regulation XVII. 1814, respecting the recovery of arrears due from persons selling spirituous liquors and intoxicating drugs, shall, as heretofore, be applicable to persons licensed to vend opium.

The rules contained in Regulation X 1813 and Regulation XVII, 1814 to be considered applicable to persons licensed to vend opium.

LXXIV. No opium shall be sold, except at the shops established on the part of government, or by persons duly authorized under license by the collectors or other officers in charge of the abkarry mehal.

Opium to be sold only at the established shops, and by licensed venders.

LXXV. Any unauthorized person who shall sell any quantity of opium whatever whether, large or small, shall, on conviction before the collector of land revenue, be subject to such fine, not exceeding five hundred rupees, or in lieu of it to such imprisonment not exceeding six months as the collector may judge proper; provided however that this rule shall not be construed to extend to native doctors bonâ fide administering opium as medicine in cases of actual sickness.

Penalty prescribed for the illicit sale of opium.

Not to extend to native doctors administering opium as medicine.

LXXVI. No person, not appointed or licensed to vend opium by the collector or other officer in charge of the abkarry mehal, or not otherwise duly authorized by government, shall have in his possession a greater quantity of opium than two tolahs weight of the weight in use at the public shops in the districts; if a greater quantity of opium shall be found on, or in the possession of any person not duly authorized, the opium shall be deemed and considered contraband, and shall be liable to confiscation, together with the animals, carriages and articles of whatever description on which or in which it may be found; and if the offender shall be unable to shew any sufficient or reasonable cause for having a larger quantity than two tolahs in his possession, he shall be

Opium when to be deemed contraband How to be disposed of and the offender how to be dealt with.

be further subject on conviction before the collector of land revenue to the penalties prescribed in Section XLVI. for the purchase and possession of contraband opium. The person or persons through whose means the offence may be detected, shall on the conviction of the offender, be entitled to the rewards specified in Sections L. and LI. of this Regulation.

Rewards to persons thro' whose means the offence may be detected.

Above rule to be considered not applicable in certain cases.

LXXVII. Provided however that nothing contained in the above Section shall be construed to apply to authorized opium cultivators, having newly extracted opium in their possession, during the usual period between the full growth of the poppy and the delivery of the opium to the agent.

Lists of licensed venders of opium to be furnished to the abkarry and police darogahs.

Duties of those officers, and of the magistrate and officers in charge of the abkarry mehal defined.

LXXVIII. The collectors or other officers in charge of the abkarry mehal shall furnish the abkarry darogahs and the darogahs of police with a list of the persons licensed to vend opium, and it shall be the duty of persons holding the office of abkarry or police darogahs to apprehend and send in to the authority under whom they may be placed, all persons engaged in the illicit sale of opium; provided however it shall be their duty at the same time to send the necessary witnesses to prove the fact. In all cases in which such persons guilty of the illicit sale of opium, or in which ryots guilty of the illegal culture of the poppy shall be sent in to the magistrate, it shall be his duty immediately on their arrival to send the persons so charged, together with the witnesses who may have been sent along with them, to the collector of land revenue, or other officer in charge of the abkarry mehal, who will pass judgment on the case under the rules hereinafter prescribed.

Duties of the different Boards of Revenue, Commissioners, and Trade specified.

LXXIX. It shall be the duty of the Board of Revenue, the Board of Commissioners and the Commissioner in Behar and Benares, and the Board of Trade to furnish the several officers under their control with such detailed instructions in respect to the prevention

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of the illicit culture of the poppy and the illegal manufacture, sale, purchase, importation, transportation, and possession of opium as they may deem necessary, with a view of better securing that object, consistently with the provisions of this Regulation.

LXXX. All suits, complaints, and informations for the recovery of any fine or penalty recoverable by government or by the informer on account of the illicit cultivation of the poppy, the illicit manufacture, sale, purchase, importation, transportation or possession of opium (excepting complaints or charges preferred against public officers for a breach of their official duty under the rules of this Regulation, the cognizance of which is reserved to the magistrates) are hereby declared cognizable exclusively by the collector of land revenue or other officer in charge of the abkarry mehal: any thing in the existing Regulations to the contrary notwithstanding, and the investigation thereof shall be conducted under the following rules.

What suits under this Regulation are cognizable by the officer in charge of the abkarry mehal.

LXXXI. No suit, complaint, or information of the nature above-mentioned shall be admitted or proceeded upon by the collector or other officer vested with the cognizance of the same, unless it shall be preferred within the period of six months after the act, for which the fine or other penalty may be demandable, shall have been committed, excepting in cases in which the same shall be prosecuted on the part of government, and good and sufficient cause be shewn why the suit was not preferred within the period of six months from the commission of the act whereupon the fine or other penalty is demandable.

Circumstances under which complaints shall not be admitted.

Exception.

LXXXII. Petitions and other papers presented in suits, informations and complaints preferred under this Regulation before a collector of land revenue or other officer in charge of the abkarry mehal, shall not be required to be written on stampt paper, and all engagements contracted between government or its officers and individuals

Stampt paper not to be required in such complaints, nor for the execution of engagements.

Such documents to be admitted in evidence in courts of judicature, &c. although not written on stampt paper.

individuals under this Regulation shall be received and admitted in evidence in the different courts of judicature and by the collectors of land revenue and other officers in charge of the abkarry mehal, although not written on stampt paper.

Further duties of the officer in charge of the abkarry mehal and magistrates.

LXXXIII. Whenever a collector or other officer in charge of the abkarry mehal shall have strong grounds to believe, either from charges preferred or evidence given on oath, or from his own personal knowledge, that the poppy is actually growing in the field of any ryot, contrary to the prohibition of this Regulation, he shall cause the crop to be immediately attached, if not already attached, by a competent officer, and the poppy to be destroyed. In the same manner if he shall have good grounds to believe that any person actually has upon him or in his possession a quantity of contraband opium, he shall immediately issue his warrant for the seizure of the same, and in both these cases it shall be competent to the collector to issue a warrant for the immediate apprehension of the persons so charged or suspected of the illicit culture of the poppy, or the illegal possession of Opium, summoning at the same time any witnesses that may appear necessary. The collector or other officer in charge of the abkarry mehal, together with the magistrate of the district is likewise hereby authorized to seize, detain, and search all boats, carriages, bales, chests and packages of every description in which he may have sufficient grounds to suspect that opium is concealed.

Additional duty of the officer in charge of the abkarry mehal.

LXXXIV. In all other cases in which any person may be accused, before the collector or other officer in charge of the abkarry mehal, of acts rendering him liable to any of the penalties prescribed in this Regulation, the collector or such other officer shall issue a summons, with or without requisition of security, to be served by a single chupprassy, requiring the attendance of the person charged either in person or by vakeel, as the case may appear to the collector to require, to answer to the charge on or before

fore a certain day to be specified in the summons, and if it be necessary to require bail, the extent of the bail shall be stated in the summons.—The collector or other officer aforesaid shall, at the same time, summon such witnesses as may be named by the informer, and as he may judge it necessary, to examine in proof of the accusation, to attend at the time appointed for the attendance of the accused.

LXXXV. In all cases in which the party accused or suspected may be apprehended, whether under the warrant of the collector or other officer in charge of the abkarry mehal, or by the police and abkarry darogahs in the cases provided for in Sections XXXI. LXXIX. & LXXXIV. of this Regulation, or shall attend in person, the investigation by the collector or other officer aforesaid, shall be commenced immediately on the arrival of the party at his cutchery and shall be prosecuted with the least possible delay, consistently with a due enquiry into the facts: and generally all cases of this nature tried before the collector or other officer in charge of the abkarry mehal under this Regulation shall, as far as practicable, be proceeded upon, on the day specified in the summons for the attendance of the party or his vakeel, unless it shall be necessary to postpone the investigation, in order to procure the necessary evidence.

Investigation to be commenced with the least possible delay.

LXXXVI. The collectors or other officers in charge of the abkarry mehal are hereby authorized to summon witnesses and administer oaths, or cause the execution of solemn declarations in lieu thereof, in respect to all matters brought before them under this Regulation, conformably with the provisions of Section VI. Regulation IV. 1793, and Section II. Regulation I. 1803, corresponding with Section VII. Regulation III. 1803, and Clause VI. Section XXV. Regulation VIII. 1803, for the conquered and ceded provinces; provided that if any witness shall refuse to take the oath required from him, he shall be sent to the judge of the zillah or city

The officer in charge of the abkarry mehal authorized to administer an oath to the witnesses in all matters under this Regulation.

The refusal of a witness to take the oath, provided against.

city court to be confined as prescribed by the Regulations in similar cases.

Officers in charge of the abkarry mehal to be guided by the Regulations enacted for the guidance of the magistrates.

Exception.

LXXXVII. The collector or other officer in charge of the abkarry mehal shall, in the summoning and the examination of witnesses, and in the general conduct of the investigation, be guided (except when otherwise prescribed) by the rules prescribed for the guidance of the magistrates in the trial of persons charged with offences punishable by them; provided however that in suits brought by any of the officers of government, the personal attendance or deposition of the prosecutor shall not be required, but the prosecution shall be conducted by any agent or vakeel the prosecutor may choose to appoint for that purpose.

Penalty for perjury or subornation of perjury, in causes before the officer of the abkarry mehal stated.

LXXXVIII. Any person giving intentionally and deliberately a false deposition on oath, or under a solemn declaration taken instead of an oath relative to any proceeding depending before a collector or other officer entrusted with the abkarry mehal under this Regulation, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall be liable to the penalties prescribed for that offence in the Regulations, and any person causing or procuring another person to commit the offence of perjury as above described, is declared guilty of subornation of perjury and punishable under the provisions of the said Regulations.

Resistance of process how punishable.

LXXXIX. Persons resisting any process issued by the collector or other officer entrusted with the abkarry mehal in any case depending before him under this Regulation, shall be liable to the penalties prescribed for cases of resistance to the process of a collector in Regulation XIV. 1793, Regulation VI. 1795, and Regulation XXVII. 1803, under the provisions therein specified.

Mode to be adopted by an officer of the abkarry me-

XC. Whenever the collector or other officer in charge of the abkarry

abkarry mehal shall require the assistance of police darogas or other police officers in the apprehension of persons charged before them in attaching crops or seizing contraband opium or generally in serving any process, he shall apply by a Persian roobakaree to the magistrate, who is hereby authorized and enjoined to cause his police officer to carry the requisition of the collector or officer aforesaid into effect, as far as may be practicable and consistent with law.

haul, requiring the assistance of the magistrate.

Assistance to be afforded by the magistrate consistent with law.

XCI. Whenever any person may be adjudged to pay a fine or to be imprisoned for the illicit culture of the poppy, or the illegal vend, purchase, transportation or possession of opium under these rules, he shall be immediately sent with a roobakaree to the judge of the city or zillah, stating the purport of the order passed against the person in question, and the judge shall on those grounds give the necessary directions for the execution of the order accordingly, and shall transmit the fine, when levied, to the treasury of the collector.

Persons convicted to be sent to the zillah or city judge.

Duty of the judge.

XCII. All persons sentenced to imprisonment under the provisions of this Regulation, and all persons confined for non-payment of the fines to which they may be liable, shall be confined exclusively in the Dewanny jail.

Persons sentenced under this Regulation to imprisonment, to be confined in the Dewanny jail.

XCIII. In cases in which it may be necessary to imprison the offender, and in which a fine cannot or may not be levied from him, a reward of ten rupees shall be paid on the part of government to the informant or informants, in lieu of his or their share of the fine, to which the offender may have become liable under the provisions of this Regulation.

Reward paid on the part of Government in the event of no fine being levied from a convicted offender.

XCIV. Persons who, after the investigation prescribed by these rules, shall not have been convicted of the offence with which they stood charged or suspected, shall be immediately released

Rules to be observed in regard to persons who may not have been convicted of the charges imputed to them.

leased, and the expence, to which they have been actually subject on account of the enquiry, shall be paid to them by the collector, or other officer in charge of the abkarry mehal on the part of government. Should it further appear on investigation, that the enquiry originated in malice or in motives clearly vexatious and unwarranted on the side of the informant, it shall be competent for the collector or other officer aforesaid to order such informant to discharge the amount of any diet money which may have been paid to the witnesses, and to pay to the party aggrieved such moderate fine, not exceeding however, in any case twenty rupees, as may appear reasonable, or to be confined for a period not exceeding fifteen days. Orders passed under this rule, shall be enforced in the same manner as other fines imposed under the provisions of this Regulation.

Duties of the authorities appointed to control the officers in charge of the abkarry mehal.

XCV. It shall be the duty of the Board of Revenue, the Board of Commissioners and the commissioner in Behar and Benares, to require from the officers under their control such periodical reports or returns regarding their discharge of the duty entrusted to them under the provisions of this Regulation, as may appear to those Boards best calculated, to enable them to judge whether the enquiries held by those officers on the trial of the cases cognizable by them are duly and speedily conducted, and whether the parties impleaded suffer any inconvenience which can be avoided.

How persons may proceed to complain, who deem themselves aggrieved by the investigation or judgment of the collector.

XCVI. Persons dissatisfied with the judgments passed or acts done by the collectors or other officers in charge of the abkarry mehal under this Regulation, shall be at liberty to prefer an appeal either in person or through an authorized agent, or through the medium of the collectors or other officers by whom the judgment may have been passed, by petition to the Board of Revenue, the Board of Commissioners, or the commissioner in Behar and Benares respectively, and those Boards, after calling for such information

formation as they may require from the collectors or other officers aforesaid, shall confirm or modify the judgment given, or pass such other orders on the subject as may appear to them conformable to the principles of substantial justice. Provided however that no such appeal shall be received, unless it shall be preferred within the period of one month after judgment shall have been passed by the collector. It shall be the duty of the collector, on any petition of appeal being presented to him for transmission to the Board, to cause the date on which it may be so presented to be endorsed on it, and to transmit the petition without delay; and whenever any party shall appeal directly to the board, such appellant shall, within the period above prescribed, give notice of his having done so to the collector or other officer against whose decision he may have appealed.

Duty of the officer in charge of the abkarry mehal with respect to the payment of rewards.

XCVII. In all cases in which the opium agents or their deputies, the collectors or deputy collectors of customs, or superintendents of salt chokies shall be entitled to any of the rewards prescribed in this Regulation, the collector of land revenue or other officer in charge of the abkarry mehal, shall report the case to the Board to which he may be subject, and await their orders for the distribution and payment of the same: in other cases in which any informer, subordinate officer of government shall become entitled to such reward, the collector shall adjudge and record the distribution of the same at the time of deciding the case, and if an appeal be not preferred under the provisions of the above Section, he shall proceed to the payment immediately on the expiration of the period allowed for such appeal. If the case be appealed, the distribution and payment of the rewards shall rest with the authority by which the final decision may be passed.

By whom the rewards shall be paid in the event of an appeal from the collector's decision.

Cases cognizable by the courts of civil judicature defined.

XCVIII. If any disputes should arise between an opium agent or any officer of government, and any person on any matter relative to the cultivation, provision, transportation, sale, purchase

or

or possession of opium not provided for in this Regulation, either party is to be at liberty to apply for redress to the courts of civil judicature, and the case shall be tried and decided upon under the general laws, regulations and usages ordinarily observed in the civil courts.

No. 1.

Form of Sunnud

Form of Sunnud to be granted to persons appointed to conduct the retail sale of opium on the part of Government.

Whereas by the authority of the Governor General in Council, I, A. B. have appointed C. D to conduct the sale of opium at the shop or shops established on the part of Government at——————Pergunnah————Zillah————at the haut or hauts held at————dependent on the above shop or shops, it is required of him as a condition of this appointment continuing in force, that he duly and faithfully perform and abide by the following conditions.

That he will not adulterate the drug. That he will not be concerned directly or indirectly in the sale or traffic of opium on his account, or on the account of any other person, except that of Government. That he will not knowingly sell to the same person, in the same day, a larger quantity of opium than two tolas weight. That he will confine the sale of the drug to the above-mentioned shop entrusted to his charge, and to the above-mentioned places annexed as dependencies of the shop aforesaid. That he will not allow purchasers to remain at the shop for a longer time than may be necessary to supply them with the quantity of opium which they may respectively require. That he will not open the shop before sun-rise, nor keep it open after sun-set. That he will regularly and punctually render a true and just account of the sales made by him after the Form prescribed and at the periods directed by me.

Given

Given under my hand and seal, this——day of——— 18——

No. 2.

Form of License to be granted to persons authorized to vend opium.

Form of License.

License No.—— for the sale of opium at———during the year————B S. or F. S.

Whereas by the authority of the Governor General in Council, I, A. B. authorize C. D. to open a shop for the sale of opium in the city (town or village) of———in———for the year ———B. S. or F. S. it is required of him as a condition of this license remaining in force, that he duly and faithfully perform and abide by the following articles: on the breach of any of which this license shall be forfeited.

1st. That he pay to Government a daily tax of———— Sicca Rupees.

2d. That he will not adulterate the opium.

3d. That he will sell no opium not purchased or procured by my authority.

4th. That he confine his sale of opium to the shop for which his license is granted, and on no account sell any opium without the limits of the above city, (town or village,) or establish a second shop within such limits, without taking out another license for the same.

5th. That he prevent gaming and disorder within his shop.

6th.

6th. That he do not harbour thieves or riotous persons, but on the contrary give information to the nearest magistrate, or police officer, of any suspected persons who may resort to his shop.

7th. That he do not receive any goods, or wearing apparel, or other property in barter for opium.

8th. That he do not open his shop before sun-rise, nor keep it open after sun-set, and that he do not harbour any persons in it during the night.

9th. That he will have constantly fixed up, on the outer door of his shop, a sign or board, bearing an inscription to the following effect, in the current language of the country.

" Licensed vender of opium."

10th. That he will restore this license to be cancelled on or before the————day of————B. S. or F. S.

11th. All officers of Government are hereby prohibited from imposing or exacting any tax or cess under any pretence whatever on the said C. D. on account of the said shop during the aforesaid period, beyond the tax required to be levied by the Regulations, and they are also prohibited from molesting or interrupting him in the prosecution of his profession, while he continues to conform to the above special conditions, and to the Government Regulations that relate to him.

Registered. No. of

Given under my hand and seal this————day of————18——

A. B.

Collector.

A. D. 1816. REGULATION XIV.

A REGULATION *to provide more effectually for the management of the public Jails; and to enable the Magistrates to maintain good order and discipline in those Jails; as well as among the Prisoners employed on the public roads, or other public works—Also to place the Jail at Allypore in the vicinity of Calcutta, under the inspection and control of the Court of Nizamut Adawlut; and to provide for the transportation of Convicts to the Island of Mauritius, or its immediate dependencies,*—PASSED *by the Governor General in Council on the* 17*th May* 1816; *corresponding with the* 5*th Jeyte* 1223 *Bengal era; the* 6*th Jeyte* 1223 *Fusly; the* 6*th Jeyte* 1223 *Willaity; the* 6*th Jeyte* 1873 *Sumbut, and the* 18*th Jumadee-us-sanee* 1231 *Higeree.*

WHEREAS rules for the better management of the public jails have been prescribed at different times, by the Governor General in Council, and Court of Nizamut Adawlut; and it is advisable to provide by a Regulation for the due observance of such rules, as well as of any future rules which may be sanc- Preamble.

tioned

tioned by Government for the same purpose, or for the treatment of prisoners employed on the public roads or other public works; and whereas it is necessary to vest the magistrates with authority to punish certain offences, when committed by prisoners under their charge or by the native officers employed in the custody of prisoners, who may not be subject to a military tribunal, with a view to maintain good order and discipline in the public jails, and other authorized places of confinement; and to enforce a due observance of the prescribed rules for the employment of prisoners; and whereas it is judged expedient to place the jail at Allypore in the vicinity of Calcutta, being the general receptacle of convicts under sentences of perpetual imprisonment and transportation, as well as of convicts sentenced to temporary imprisonment and banishment, under the immediate inspection and control of the Court of Nizamut Adawlut; and whereas it is necessary to extend the provisions of Clause third, Section II. Regulation IX. 1813, to authorize the sending of convicts, under sentence of transportation, to the Island of Mauritius, or any of its immediate dependencies, the following rules have been enacted for the several purposes aforesaid, and shall be considered in force, from the time of their promulgation, throughout the several provinces immediately subject to this presidency.

By what rules, for the management of the public jails, the magistrates to be guided.

II. The magistrates and their officers, who have charge of the public jails, shall be guided by the printed rules which have been prescribed by the Governor General in Council, or court of Nizamut Adawlut, for the better management of those jails, and by such rules for the same purpose, as may be hereafter sanctioned by the Governor General in Council, and transmitted for the guidance of the magistrates by the Court of Nizamut Adawlut.

And by what rules, for the treatment of prisoners employed on the public roads, or other public works.

III. The magistrates who have charge of prisoners employed on the public roads, or on other public works, shall in like manner be guided by any rules, for the treatment of such prisoners, which

which have been, or may be hereafter transmitted to them by the court of Nizamut Adawlut, with the sanction of Government.

IV. For the purpose of enabling the magistrates to maintain good order and discipline among the prisoners confined in the public jails, or other authorized places of confinement, and to enforce a due observance of the prescribed rules by the employment of the prisoners under their charge; they are hereby vested with authority to punish, on a summary inquiry, the offences specified in the following Section of this Regulation.

Magistrates authorized to punish certain offences, committed by prisoners, on a summary inquiry.

V. *First.* A contumacious refusal to work, by any prisoner sentenced to hard labour, or though not so sentenced who may be subject to labour, under any provision in the Regulations; or under the discretion declared to be vested in the magistrate by the orders of the court of Nizamut Adawlut, with respect to prisoners not exempted from labour by the sentences of the criminal courts; and not incapable of bodily labour from age, sickness, or other infirmity.

Specification of offences which the magistrates are empowered to punish, under the preceding Section.

Second. Wilful neglect and indolence in the performance of any prescribed work, by a prisoner subject to labour, as described in the above Clause; especially after previous admonition.

Third. Wilful disobedience to any of the written rules for the observance of prisoners, and internal economy of a public jail, which may have been translated into the current language of the country, and suspended on a board, within the jail, for general information, as directed in the printed jail rules now in force.

Fourth. Refractory behaviour by prisoners; such as resistance to the jailor, guards, or other public officers, in the regular discharge of their proper functions; abusive language to any such officers; and generally any culpable behaviour towards them, which

which may not involve a serious act of criminality, such as can not be duly punished by the magistrates, and should therefore be brought before the court of circuit.

Fifth. Any other instance of disorderly conduct by a prisoner; such as riot, insurrection, attempt to escape, taking off or loosening or attempting to loosen, by filing, cutting, or otherwise, his own irons, or those of other prisoners, with a view to escape; conspiring with other prisoners for the purpose of insurrection or escape, or for any other criminal purpose; abusing or assaulting another prisoner, and generally any misconduct, committed by a prisoner, whilst in custody, which under the Regulations in force, or from its aggravated nature, may not exceed the competency of the magistrate, and therefore be more properly cognizable by the court of circuit.

In what manner and to what extent, the magistrates may punish the offences specified.

VI. *First.* The powers vested in the magistrates for the punishment of the offences specified in the preceding Section, which, on a summary inquiry, may appear to have been committed by any of the prisoners under their charge, are declared to be as follows; due regard being had to the nature of the offence, the condition of the Prisoner, and every other just consideration applicable to the case.

Contumacious refusal to work, or wilful neglect, and indolence in the performance of any prescribed work, how punishable.

Second. In cases of a contumacious refusal to work, or of wilful neglect and indolence in the performance of any prescribed work, within the first or second Clause of Section V. of this Regulation, the magistrate may cause the prisoner to be moderately corrected with a ratan; and in the instance of a prisoner's pertinaciously refusing to work, may likewise order his diet allowance to be reduced, in such degree as may be consistent with his support, until he shall perform the work required from him.

What punishment may be inflicted for the offences.

Third. The offences specified in the third, fourth, and fifth

Clauses

clauses of the preceding Section, shall be punishable, according to the nature and circumstances of the case, by stripes with a ratan, not exceeding the general limitation prescribed for this mode of punishment by a magistrate, viz. thirty ratans, or by close, and as far as practicable, by solitary confinement; or when a prisoner may have attempted to escape, by the substitution of heavy fetters, for those in ordinary use, which are directed by the jail rules to be of a light and uniform construction; by the temporary addition of neck-chains, of a moderate weight, when the prisoner may have been refractory, or turbulent, or guilty of any act of violence; and in aggravated or emergent cases of this nature, by the further restraint of handcuffs, whilst such restraint, which is never to be imposed without necessity, shall appear to be requisite for the safeguard of the prisoner, or to prevent his doing mischief to others.

specified in the third, fourth and fifth Clauses of the preceding Section.

VII. The powers declared to be vested in magistrates by this Regulation may, of course, be exercised by joint magistrates, and assistant magistrates, who are not stationed at the same place with the zillah or city magistrates, and who, under the general Regulations, are invested with the authority of magistrates; with respect to prisoners under their immediate charge. The zillah and city magistrates are further empowered to refer to their assistants at the sudder stations, any cases, within the provisions of this Regulation; observing the rule prescribed in Section XXI. Regulation IX. 1807; viz. that the order of reference direct, whether the assistant is to submit his proceedings for the magistrate's decision, or to pass his own determination on the case referred to him. If the assistant be authorized to determine the case referred to him, he is empowered to pass the same order as might have been passed by the magistrate, but his decision will be open to revision by the magistrate, if the latter see cause for it, as provided in the Section above cited, with respect to all judgments passed by the assistant to a magistrate,

Powers declared to be vested in magistrates may be exercised by joint magistrates, and by assistant magistrates, not stationed at the same place with the zillah and city magistrates.

The magistrates may also refer any cases to their assistants at the sudder stations.

Rule to be observed in such references.

In what case the assistant may exercise the same powers as the magistrate.

gistrate, who is not vested with the full powers of magistrate.

What record to be kept of the summary inquiries, and convictions, provided for by this Regulation.

VIII. It shall not be necessary to make a detailed record of the evidence, or of any part of the proceedings held in the summary inquiries authorized by this Regulation; nor shall it be requisite to examine witnesses upon oath, except in cases of a serious nature, involving offences specifically provided for by the general rules in force for the administration of criminal justice. But a record shall be kept of every summary conviction, and punishment; stating the name of the prisoner, the offence charged against him, the substance of the evidence and conviction; or the magistrate's personal view when the facts of the case may have taken place within his view; and the punishment ordered, with the date of the order, to be signed by the public officer, by whom it may be passed. The record so authenticated shall be kept ready for the inspection of the judge of circuit on his visiting the jail at the ensuing jail delivery; that a reference may be made to it in the event of any complaints being preferred by the prisoners. Should the Judge of circuit see cause to disapprove the order of a magistrate, or his assistant, in any instance, he will notice the same to the magistrate, with any instructions which may appear necessary, and may be consistent with the Regulations in force, or if the magistrate, or his assistant, appear in any instance to have been guilty of any gross neglect, or other misconduct, such as is required to be reported to the Nizamut Adawlut, by Section LXIII. Regulation IX. 1793, and Section XXX. Regulation VII. 1803, or by any other Regulation in force, the judge of circuit, after calling for any requisite explanation, shall report the same accordingly.

The authenticated record to be ready for inspection of the judge of circuit who may visit the jail at the ensuing jail delivery.

Judge of circuit how to proceed, if he disapprove the order of the magistrate, or his assistant.

Provision for the punishment of watchmen, guilty of gross neglect or misconduct, in the discharge of duty, contained in Section VI. Regulation III. 1812, extended to burkundazes.

IX. *First.* Section VI. Regulation III. 1812, whereby all descriptions of watchmen subject to a cutwal or darogah of police, who may be proved guilty of gross neglect, or misconduct, in the discharge of their duty, are made liable to corporal punishment,

ment, not exceeding thirty stripes of a ratan, by sentence of the local magistrate, instead of fine or imprisonment, when the offender may appear a fit object of corporal punishment by stripes, and the magistrate shall be of opinion, that the infliction thereof will operate as a better example than the penalty of fine, or imprisonment, is hereby extended, under the same provisions and restrictions, to instances of gross neglect, or misconduct, in the discharge of their respective duties, which may be established against any burkundaze, pyke, or other inferior officer, attached to a public jail, or employed in the charge of prisoners; or generally in the performance of any public duty, under a magistrate, police darogah, or other person in charge of the police.

dazes, pykes, and other inferior officers, attached to a public jail, or employed in the charge of prisoners; or generally in the performance of any public duty under a magistrate, police darogah, or other person in charge of the police.

Second. The magistrates shall be careful to prevent any maltreatment of prisoners, by any of the native officers attached to their respective jails, or in charge of prisoners employed on the public roads. All complaints of prisoners, against the officers having charge of them, shall be immediately inquired into by the magistrates; and if proved to be well-founded, the offenders shall be liable to immediate dismission; besides a fine, not exceeding one month's salary; or imprisonment not exceeding six months; or when the offender may be a burkundaze, pyke, or other inferior officer, to corporal punishment with a ratan in pursuance of the rule contained in the preceding Clause.

Magistrates to prevent any maltreatment of prisoners by the native officers having charge of them.

Complaints of prisoners to be immediately inquired into.

And how redressed, if proved to be well founded.

Third. It is not of course intended that the two foregoing Clauses of this Section should be considered applicable to any military guards, sepoys, or officers, or to persons of any denomination, who are subject to a military tribunal. In the event of any such persons being guilty of a neglect of duty, or other misconduct, involving an offence cognizable by a court martial, whilst employed in the custody of prisoners, the magistrate will continue to observe the rule prescribed for such cases in Section X. Regulation XI. 1806.

The two foregoing Clauses not applicable to military guards, or any persons subject to a military tribunal.

Section X Regulation XI. 1806, to be observed, as heretofore, in cases of neglect, or other misconduct, by such persons, which may be cognizable by a court martial.

X.

Magistrates how to proceed when a convict, under sentence of imprisonment, may appear from his good conduct, to deserve a remission, or mitigation of his remaining punishment.

X. *First.* If any convict, under sentence of imprisonment, shall, from his uniform good behaviour, and industrious performance of the work assigned to him, or from his meritorious conduct in preventing the escape of other prisoners, or rendering any other public service, appear to the magistrate, having charge of him, to deserve a remission of the further punishment to which he may be liable under his sentence; or of any part of it; a report of the circumstance of the case, with a copy of the sentence passed upon the prisoner, shall be transmitted by the magistrate to the Court of Nizamut Adawlut; who are hereby declared empowered (except in cases of prisoners of State, which shall be reported for the orders of government, in conformity with the principle of Section III. Regulation XIV. 1810,) to remit the further punishment adjudged against the prisoner, in whole or in part, if there appear to be sufficient cause for it.

In what cases the magistrate may order the discharge of a prisoner, under the circumstances stated, without a previous reference to the Nizamut Adawlut.

Second. In cases of short imprisonment, adjudged by the magistrate, or his assistant, wherein the object would be defeated by the delay attending a reference to the Nizamut Adawlut as directed in the above clause, the magistrate is empowered to order the discharge of a prisoner, who may appear to deserve a remission of punishment on the grounds specified; provided that his reasons for every such order be recorded on his proceedings to be submitted when required for the information of the judge of circuit, who may hold the ensuing jail delivery.

Reasons for placing the jail at Allypore, in the vicinity of Calcutta, under the immediate inspection and control of the judges of the Nizamut Adawlut.

XI. The jail at Allypore, in the vicinity of Calcutta, being a receptacle for convicts, under sentences of perpetual imprisonment and transportation, as well as for other convicts, under sentence of banishment, who are sent to that jail, from all the zillah and city jurisdictions under this presidency, and it appearing expedient that the occasional inspection of this jail, for which special provisions are contained in the third and fourth Clauses of Section II. Regulation XIV. 1811, should be committed

mitted to the judges of the Nizamut Adawlut, the following provisions are enacted for this purpose.

XII. *First.* So much of Section LXII. Regulation IX. 1793, as directs that the judges of circuit shall visit the zillah jail of the Twenty-four Pergunnahs once in every three months, or oftener, if they think proper, and issue to the magistrate such orders as may appear to them advisable for the better treatment and accommodation of the prisoners, shall not be hereafter considered applicable to the jail at Allypore, under charge of the magistrate of the suburbs of Calcutta.

Provision for this purpose, with regard to the inspection of the jail at Allypore.

Second. The duty abovementioned, with respect to the jail at Allypore, shall be performed by one of the judges of the Nizamut Adawlut; either in rotation, or in such manner as may, from time to time, be determined by the judges of that court.

This duty to be performed by one of the judges of the Nizamut Adawlut, in rotation or as may be determined by that court.

XIII. The foregoing Section is not meant to restrict the authority, or alter the established duties of the Calcutta court of circuit, with respect to the proper zillah jails of the zillah denominated the suburbs of Calcutta, in pursuance of Regulation XIV. 1814; and which are distinct from the Allypore jail. Nor is it intended to affect the powers and functions of the court of circuit, with regard to any of the prisoners under the charge of the magistrate of the suburbs of Calcutta, except such as are confined in the Allypore jail, referred to in the third and fourth Clauses of Section II. Regulation XIV. 1811; or are considered to belong to that jail, though employed on the public roads, or other public works, under the direction of the magistrate of the suburbs of Calcutta.

Explanation of the foregoing Section as not meant to restrict the authority, or alter the duties, of the Calcutta court of circuit, with respect to the proper zillah jails of the suburbs of Calcutta, which are distinct from the Allypore jail.

Further explanation, what prisoners under charge of the magistrate of the suburbs of Calcutta are within the intention of the preceding Section.

XIV. It is further hereby explained that nothing in the present Regulation is meant to alter the established jurisdiction of the court of circuit, with respect to the trial of serious offences,

All prisoners under charge of the magistrate of the suburbs of Calcutta declared subject to trial before the court of circuit, or com-

committed

mitment by the magistrate, for serious offences, under the Regulations in force.

committed by prisoners in the Allypore jail, or by any other prisoners under charge of the Magistrate of the suburbs of Calcutta; the cognizance of which, on commitment by the magistrate, may belong to that court, under the Regulations in force.

Provisions in Clause third, Section II Regulation IX 1813, extended to vest a discretion in the Governor General in Council, for sending convicts under sentence of transportation, to the Island of Mauritius.

XV. The provisions contained in Clause third, Section II. Regulation IX. 1813, for sending convicts under sentence of transportation, to any of the British settlements in Asia, at the discretion of the Governor General in Council, and for employing such convicts within the limits of such settlements, as well as for transferring them from one place to another when found requisite, are hereby extended to the exercise of a similar discretion by the Governor General in Council, in sending convicts under sentence of transportation to the island of Mauritius, or its immediate dependencies, as well as to the employment of them at the place to which they may be transported; and the removal of them to any other place, if there should be occasion for it.

A. D. 1816. REGULATION XV.

A REGULATION *for expediting the trial of civil suits in which the native officers and soldiers attached to regular corps on the Military establishment of the presidency of Fort William may be parties, and for giving to them certain facilities in the maintenance of their rights, claims and interests.*—PASSED *by the Governor General in Council on the* 10*th June* 1816 ; *corresponding with the* 29*th Jheyte* 1223 *Bengal era ; the* 30*th Jheyte* 1223 *Fussily ; the* 30*th Jheyte* 1223 *Willaity ; the* 15*th Jheyte* 1873 *Sumbut ; and the* 13*th Rujub* 1231 *Higeree.*

Preamble.

WHEREAS by the local distribution of the regular forces on the military establishment of the presidency of Fort William, the native officers and soldiers are liable to be stationed at places remote from their homes and families, and whereas the constitution and nature of the service render it generally impracticable to grant to the native officers and soldiers a frequent or prolonged leave of absence from their military duties, in consequence of which, material difficulty and embarrassment have been unavoidably experienced by them in maintaining and preserving their just rights, claims and interests ; and whereas the fidelity and

and courage exhibited by the native troops, in various wars on the continent of India, and the zeal and alacrity, which they have uniformly displayed in voluntarily embarking on foreign expeditions entitle them to the favorable consideration of Government; the Governor General in Council, with the view of manifesting his sense of their good conduct and of affording to them every facility in the maintenance of their rights, claims and interests, which can be granted consistently with a due regard to the fundamental principles established for the administration of civil justice, and for the collection of the land revenue, has enacted the following rules, to be in force from the period of their promulgation, throughout the territories immediately dependent on the presidency of Fort William.

Provisions of certain Regulations modified

II. Such parts of the Regulations in force as prohibit the courts of civil justice from corresponding by letter with parties in depending suits; or as direct that no pleadings shall be received in any civil cause except from the parties or their authorized pleaders; such parts of the Regulations in force as require generally, that depending causes shall be brought to trial according to the order in which they may stand on the file, and such parts of the Regulations in force, as prohibit the courts from furnishing copies of decrees, or from receiving mokhtarnamahs on any other paper than the prescribed stampt paper, are hereby declared to be subject to the modifications contained in the following Sections of this Regulation.

Native officers & Soldiers may authorize any person to institute and conduct suits in which they may be a party.

III. *First.* Whenever a native officer or soldier on the Military establishment of the presidency of Fort William may be desirous of instituting a regular or summary suit in any of the local courts of civil judicature, and shall not be able to obtain a furlough or leave of absence for the purpose of superintending or conducting such suit in person, he shall be at liberty to execute a mokhtarnamah or power of attorney, drawn up according to the form

No.

No. 1 in the appendix to this Regulation, authorizing and appointing any member of his family or other person to institute and carry on the suit, and to perform all acts in the original trial of the cause, and eventually in appeal, in the same manner as if the party were himself personally present and consenting.

Second. Such mokhtarnamah shall not be required to be written on stampt paper, but shall be executed by the native officer or soldier in the presence of the commanding officer of the corps or detachment, to which he may belong, who shall countersign the same in testimony of its having been voluntarily executed.

The mokhtarnamah need not be written on stampt paper.

Third. The mokhtarnamah so executed is to be transmitted by the commanding officer, under cover of a public letter drawn up in the form No. 2, of the appendix, addressed to the register of the court in which the suit is to be instituted, and upon the receipt of such letter, a notice shall be issued by the court for the purpose of procuring the attendance either personally, or by a constituted vakeel of the person nominated in the mokhtarnamah.

The above document is to be transmitted to the Register of the court by the commanding officer.

Fourth. If such person shall refuse to attend the court in person, or by a constituted vakeel, or shall decline to undertake the trust, or shall subsequently die, or be prevented by any other sufficient cause from discharging the duty confided to him, the court shall cause information of the same to be communicated to the native officer or soldier, by an extract from the proceedings of the court enclosed in an official letter to be addressed by the register, or in his absence by the judge, to the commanding officer of the corps.

The judge is to communicate the inability or refusal of a mokhtar, to undertake the trust.

Fifth. If the person nominated and appointed in the mokhtar namah shall attend the court in person, or by a constituted vakeel, and shall consent to undertake the duty confided to him, the original mokhtar namah shall be deposited in the court and annexed to the proceedings

The mokhtarnamah to be filed with the court's proceedings if accepted by the person therein nominated to superintend the cause.

proceedings which may be held on the suit. The mokhtar or attorney, so appointed and attending, may at his option, either prosecute the suit, and conduct the pleadings in person, or may constitute for that purpose one or more of the authorized pleaders of the court, under the provisions of Regulation XXVII 1814. In all other respects the suit shall be instituted, tried and determined in conformity with the general rules in force for the institution and trial of other similar suits, provided however that, when the native officer or soldier, who may be the real party in the suit, shall not be himself present at the time of its decision, an authenticated copy of the decree written on unstampt paper, shall, in each instance be transmitted, through the register of the court, to the commanding officer of the corps or detachment, for the purpose of its being communicated to the native officer or soldier.

The suit is to be investigated in other respects under the general Regulations.

Sixth. It is hereby explained that no part of the preceding clauses, or of the subsequent provisions of this Regulation, is intended to be applicable to claims originating in loans granted by a native officer or sepoy, or in pecuniary transactions of a commercial nature.

IV. *First.* For the purpose of preventing as far as may be practicable the occurrence of exparte trials in suits instituted against native officers or soldiers, it is hereby further enacted, that whenever a suit may be instituted in any civil court against a person being a native officer or soldier attached to a regular corps on the Military establishment of the Honorable Company under the presidency of Fort William, the plaintiff or appellant shall be required to state the same distinctly in his plaint or petition of appeal; and to specify to the best of his knowledge and belief, the corps to which such native officer or soldier may be attached. If the plaintiff or appellant shall be unable to specify the corps, it shall be the duty of the court trying the suit, to endeavour to ascertain the point by such means of enquiry, as may appear practicable and expedient.

Rules to be observed to prevent an exparte trial of a cause in which a soldier or native officer is defendant.

Second.

Second. A notice in the usual form, together with a copy of the plaint or petition of appeal on unstampt paper, enclosed in an official letter drawn up according to the form No. 3, of the appendix, shall be then transmitted by the register, or in his absence, by the judge to the commanding officer of the corps, for the purpose of its being communicated to the native officer or soldier against whom the suit may have been instituted: a similar notice shall be issued, when omitted in the first instance, from ignorance of the defendant's being a native officer or soldier, attached to a regular corps, if at any subsequent period during the trial of the suit, it should appear to the Court, that the defendant or respondent is a native officer or soldier as above described, and in cases in which the plaintiff or appellant shall wilfully and intentionally omit to state in his plaint or petition of appeal, that the defendant or respondent is a native officer or soldier, the court shall impose on such plaintiff or appellant, a discretionary fine not exceeding one fourth of the amount of the institution fee, or stamp duty in each case.

A notice in the usual form to be transmitted to the commanding officer.

Fine to be imposed on a plaintiff or appellant in certain cases.

Third. The commanding officer after causing the notice to be served on the party to whom it is addressed, if practicable, shall return it to the register or judge, with the written acknowledgement of the party, endorsed thereupon, together with any mokhtarnamah, which the party may be desirous of executing according to the form No 1, in the appendix, for appointing an attorney to defend the suit in his behalf. If from any cause the notice transmitted to the commanding officer cannot be served upon the native officer, or soldier, to whom it is addressed, it shall be returned by the commanding officer to the register or judge from whom it may have been received, with information of the cause which has prevented the service of it. In such case the court shall either make a further reference with the view of causing the notice to be duly communicated to the native officer or sepoy, or shall adopt such other measures for that purpose as on

The commanding officer on receipt of the notice will cause it to be duly served.

Measures to be adopted by the judge if the notice cannot be served.

on a consideration of the circumstances of each case may appear to be proper and consistent with the Regulations.

Rule to be observed by commanding officers in granting leave of absence to soldiers & native officers to enable them to superintend their own suits.

V. *First.* When a native officer or soldier may obtain a furlough for the purpose of instituting or defending a civil suit in any of the local courts of civil judicature, he shall be at liberty to request from the commanding officer of the corps or detachment, an official letter addressed to the register of the court in which the suit is to be tried; such letter shall be drawn up according to the form No. 4, of the appendix to this Regulation, but shall not give cover to any petition, nor contain any statement or explanation of the merits or circumstances of the case.

The court authorized to nominate a vakeel on behalf of the native officer or soldier.

Second. Such letter shall be delivered in person by the native officer or soldier to the register, or in his absence, to the judge of the court, who is hereby authorized, at the request of the party, to nominate a vakeel of the court for the purpose of furnishing to the native officer or soldier, his legal aid and advice in preparing the pleadings and in carrying on the prosecution or defence of the suit. The register, or judge, shall at the same time cause the native officer or soldier, to be duly apprized of the provisions contained in Regulation XXVII. 1814, and of any other Regulation in force, relative to the duties, and established fees of the pleaders attached to the civil courts, which must of course be observed whenever a native officer, or soldier, may wish to consult or employ a pleader.

Provisions of Regulation XXVII. 1814 to be duly attended to on such occasions.

A native officer or soldier may plead his own cause or appoint his own pleader.

VI. Nothing contained in the preceding Section shall be construed to prohibit a native officer, or soldier, from pleading his cause in person, or from employing any other authorized pleader of the court, whom he may prefer, instead of the pleader nominated for him by the court.

Suits instituted under this Regulation to be heard as soon as possible.

VII. *First.* The courts of civil judicature are hereby authorized

rized and required to bring to a hearing without regard to the order in which they may be filed, all suits excepting those of the nature alluded to in the sixth Clause of Section III. of this Regulation, in which a native officer, or soldier, who may have obtained leave of absence from his corps, may be a party, and to pass a decision on such suits as speedily as may be consistent with the general rules in force, and with the due administration of justice.

Mode to be adopted by the Court in the event of the expiration of the furlough before the cause be decided.

Second. If the cause cannot be brought to a decision previously to the expiration of the furlough granted to such native officer or soldier, the judge or register before whom the suit may be depending, is hereby vested with a discretionary authority to grant to such native officer, or soldier, an extension of his leave of absence for a period sufficient to admit of a reference being made to the commanding officer of the corps, with a view to ascertain whether the furlough can be prolonged for any further specific period. But whenever a judge or register may avail himself of the discretion above vested in him, he shall be careful to report the same immediately in an official letter to the commanding officer of the corps to which the native officer or sepoy may be attached.

Ditto ditto.

Third. In all cases in which a native officer, or soldier may return to his corps before a final decision can be passed in his suit, he shall be at liberty either to leave the further conduct of the suit to a constituted mokhtar under a mokhtarnamah, duly executed according to the form No. 1, in the appendix to this Regulation, or to one or more of the established pleaders of the court empowered to act for him by a regular vakeelutnamah. In either case a copy of the decree which may be passed in the suit shall be transmitted for the information of the native officer or soldier, in the manner prescribed in the fifth Clause of Section III. of this Regulation.

VIII.

Rules to be observed when any land or real property belonging to a native officer is attached

VIII. Whenever any land or real property belonging to a native officer or soldier may be attached by a court of justice, for the purpose of realizing the amount of any judgment, fine or penalty imposed on such native officer or soldier, the court shall cause notice of the same to be issued in the manner prescribed in the second Clause of Section IV. of this Regulation, and shall postpone the sale for such definite period as may appear reasonable, for the purpose of affording an opportunity to the native officer or soldier to discharge the amount of the judgment, fine or penalty.

Any registered proprietor of an estate paying revenue to government entertained as a native officer or soldier may notify the fame to the collector

Duty of the collector in such cases, and in the event of an arrear of revenue becoming due.

IX. *First.* Any registered proprietor of an estate paying revenue to government, who may be entertained as a native officer or soldier on the military establishment under the presidency of Fort William, shall be at liberty to notify the same in a petition to the collector, specifying the rank which he may hold and the designation of the corps to which he may be attached. A memorandum of such notification shall be inserted by the collector in the public registers and accounts relative to the estate and its assessment, and in cases in which the estate, or a portion of the estate, of a native officer or soldier, who may have duly made such notification, shall become liable to public sale for the recovery of an arrear of revenue; the collector shall address an official letter to the Commanding officer of the corps, drawn up in the form prescribed in No. 5, of the appendix to this Regulation; the collector shall enclose in such letter a written notice, signed and sealed by himself and attested by the principal native officer on his establishment, specifying the amount of the arrear, the date on which it became due, and requiring it to be paid at the treasury of the collectorship within such limited period of time, as on consideration of the distance, at which the corps may be stationed, and other circumstances of the case, may appear to be proper and reasonable.

Second.

Second. The commanding officer of the corps shall acknowledge the receipt of the collector's letter and shall specify the date on which the notice may have been communicated to the party, or the circumstances which may have rendered it impracticable to make such communication.

Duty of the commanding officer on receiving from the collector a report of such arrears.

Third. If the native officer or soldier shall omit to discharge the arrear within the term specified in the notice, the collector shall report the circumstances of the case to the Board of Revenue, or to the Board of Commissioners, or to the Commissioner in Behar and Benares respectively, transmitting at the same time a copy of the notice and of his correspondence with the commanding officer, and shall be guided in his further proceedings by the orders which he may receive in each case from the Board or Commissioner.

Collectors how to proceed in cases where arrears may not be discharged within a specified time.

X. *First.* Nothing contained in this Regulation shall be construed to affect or to alter the rules and provisions of Regulation XX. 1810; or to authorize the commanding officer of any corps or detachment to correspond with the civil courts, or with the collectors, regarding the merits of any judgment, or order, passed by them in the discharge of their official duty under the provisions of this Regulation.

Nothing in this Regulation to be construed as affecting the provisions of Regulation XX 1810, or any modification of the latter Regulation.

Second. Nothing contained in this Regulation shall be construed to modify, or to affect the existing rules for the trial of civil suits, in which persons who may have been discharged from the service, or who may be attached to provincial battalions, or to local or irregular corps, or who may be campfollowers, or non combatant retainers of the army, or who may be relations, or members of the family of a native officer, or soldier, may be parties; the foregoing provisions of this Regulation are to be considered as strictly and exclusively applicable to native officers or soldiers who may be entertained in regular corps and on the

The provisions of this Regulation not to be considered applicable to certain descriptions of persons.

actual

actual strength of the army, on the establishment of the presidency of Fort William.

Substance of General Orders of the 10th of April 1810 and 22d of July 1814.

XI. *First.* The following clauses of this Section forming the substance of general orders passed by the Vice President in Council on the 10th of April 1810, and on the 22d of July 1814, are hereby enacted, for general information.

Facilities afforded to native officers and soldiers for the remittance of money.

Second. The sub-treasurer at the presidency, the residents at Delhi and Lucnow, the collectors of land revenue, and the pay masters at stations subject to the presidency of Fort William, including the pay masters who may at any time be serving beyond the territories of the Honorable Company, are hereby authorized to grant bills in duplicate, payable at sight, and at the usual rate of exchange, on any other treasury, for any sums which may be paid into their respective treasuries, on account of native officers or soldiers, who may be desirous of remitting money from one part of the country to another.

No deduction whatever to be made.

Third. Provided that in all cases in which sicca rupees may be paid into a treasury by a native officer or soldier, he shall be entitled to receive the same amount at the treasury where payment is required, without any deduction whatever.

APPENDIX.

FORM No. 1.

Whereas I, A. B.—inhabitant of village————pergunnah ——————— in the district of————————son of———— of the cast of————at present (here specify his rank) of the————battalion of the———regiment stationed at——— ——having occasion to institute (or defend) an action for*—— ————do hereby nominate and appoint C. D†———— to be my attorney, (or mokhtar) and I bind myself to abide by whatever he the said attorney may do in my behalf in the prosecution‡ (or defence) of the said suit.

The said attorney will either prosecute (or defend) the suit in person, or will appoint one or more of the authorized vakeels of the court to prosecute (or defend) the same under the instructions of the said attorney, as he may think proper. In the event of an appeal being preferred from the judgment passed in the suit, the said attorney is further hereby empowered to act for me on the appeal, in like manner as on the original suit.

(Signed) ————

Executed in my presence,

————————

Comdg.——Detacht. or Bat. or Regt.

FORM No. 2

To ————————

Register of the Civil Court of Zillah————

Sir,

In conformity with the third clause of Section III. Regulation XV. 1816, I have the honor to transmit to you a power of attorney duly executed in my presence by A. B. son of C. D. of the

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* Here insert briefly the nature and object of the suit, and the name of the adverse party or parties.
† Here insert the name, place of residence, cast and his relationship (if any) to the native officer or soldier.
‡ As the case may be.

the cast of ——————— inhabitant of ——————— ——————— officer or sepoy (as the case may be,) of the ——— battalion ——— regiment.

I am, Sir, &c.

———————

Comdg.——Bat.——Regt.

FORM No. 3.

To ———————

Commanding the——Battalion——Regiment

at ———————

Sir,

In conformity with the second clause of Section IV. Regulation XV. 1816, I have the honor to transmit to you the copy of a plaint filed in case No ——— in this court, by ——— against ——————— stated to be an officer (or sepoy) in the corps under your command, together with a notice, which I request you will cause to be served on the said ———. You are requested to acknowledge the receipt of the notice, and to inform the court, whether it has been duly served on the above named ——————— or the reasons which may have prevented its being served on him.

I am, Sir, &c.

———————

Dewanny Adawlut. Judge.

FORM

FORM No. 4.

To ——————

Register ——————

Zillah or City or Provincial Court.

Sir,

In conformity with the first clause of Section V. Regulation XV. 1816, I have the honor to inform you, that the bearer of this letter A. B. son of C. D. of the cast of ——————inhabitant of —————— officer or sepoy of the ——————battalion —— Regiment &c.——————has obtained permission to be absent from his corps for the period of——————months, for the purpose of instituting (or defending) a suit in the zillah, city or provincial court of ——————

I am, Sir, &c.

——————

Comdg.——Bat.——Regt.

FORM No. 5.

To ——————

Commanding Officer of the ——Battalion——Regiment.

Sir,

I have the honor to inform you that the right of (A. B.) in the village (or estate) of—— ——————is about to be sold on account of arrears of public revenue for the year——————.

In conformity with the first clause of Section IX. Regulation XV. 1816, I herewith enclose a written notice to be communicated to——————said to be an officer (or sepoy) in the corps under your command, and who is alleged to be the proprietor (or sharer) of the village or estate in question.

You are requested to acknowledge the receipt of this letter, and

to

to furnish the information required in the 2d clause of Section IX. Regulation XV. 1816.

I am, Sir, &c.

Dewanny Adawlut: Judge.

A. D. 1816. REGULATION XVI.

A REGULATION *for extending for a further period of five years the existing settlement in the provinces ceded by the Nawaub Vizier to the British Government, in all cases, in which the settlement may have been concluded with the actual proprietors of the land.*—PASSED *by the Governor General in Council on the 5th July* 1816, *corresponding with the 23d Assar* 1223, *Bengal era; the 25th Assar* 1223 *Fusly, the 24th Assar* 1223, *Willaity; the 11th Assar* 1873 *Sumbut, and the 8th Sabaun* 1231 *Higeree.*

Preamble.

WHEREAS the existing settlement of the provinces ceded by the Nawaub Vizier to the British Government will expire with the year 1221 Fuslee; and whereas an extension of the said settlement, at an equal jumma, in all cases, in which it has been formed with the actual proprietors of the soil, is calculated to promote the interests of the landholders, whilst it will afford due time to the public officers to collect the materials, which are indispensably requisite, as the basis of any ulterior proceeding, the following rules have been enacted, to be in force from the period of their promulgation in the ceded provinces.

II.

The existing settlement of the land revenue of the ceded provinces, in certain cases, to continue in force until the expiration of the year 1229 Fuslee.

II. The existing settlement of the land revenue of the provinces ceded by the Nawaub Vizier to the British Government shall, in all cases in which it may have been concluded with zemindars or other acknowledged proprietors of land, continue in force until the expiration of the year 1229 Fuslee, subject to the following provisions.

The zemindars in whose favor a remission on account of a russud jumma may have been sanctioned by government, will be entitled to the same indulgence during the ensuing quinquennial settlement.

III. If the russud or progressive increase in the jumma, demandable from the zemindars under their engagements, on account of the year 1224 Fuslee, shall in any case, have been remitted with the sanction of government, the zemindars, who may have received such remission shall be deemed entitled to the same indulgence during the ensuing quinquennial settlement.

Zemindars who may be unwilling to hold their lands on the terms above specified for a further period of five years, to notify the same to the collector on or before the 1st March 1817.

IV. If any zemindars, who may have entered into engagements for the payment of the public revenue during the existing settlement, shall not be willing to continue to hold their lands on the terms specified in the preceding sections of this Regulation, for a further period of five years, viz. to the expiration of the year 1229 Fuslee, they shall notify the same to the collector of the zillah within which their lands may be situated, on or before the 1st March 1817, corresponding with the 19th Phagoon 1223 Bengal era; the 27th Phagoon 1224 Fuslee; the 20th Phagoon 1224 Willaity; the 13th Phagoon 1873 Sumbut; and the 12th Rubee-us-Sanee 1232 Higeree.

Zemindars failing to make that notification within the period above cited, shall be responsible for the payment of the same revenue during the ensuing five years, as may be specified in their engagements for the year 1224 Fuslee.

V. All zemindars, who shall not make a notification to the effect and within the period above mentioned, shall be held, and are hereby declared to be responsible for the payment of the same revenue during the ensuing five years, viz. until the expiration of the year 1229 Fuslee, as may be specified in their engagements for the year 1224 Fuslee, subject however to the qualification specified in Section III. of this Regulation.

VI.

VI. With respect to estates, which are at present let to farm, and of which the leases will expire with the Fuslee year 1224, the settlement of such mohauls shall be made with the actual proprietors, in all cases in which they may be willing to engage, during the years 1225, 1226, 1227, 1228 and 1229, for the payment of an annual jumma equal to the amount payable by the farmers respectively on account of the year 1224, and shall make the necessary application to the collector of the district in which the lands may be situated, or to the Board of Commissioners on or before the 1st March next.

The settlement of estates let to farm, with whom to be concluded.

VII. With respect to lands at present held khas, the settlement of all such lands shall be formed for the years 1225, 1226, 1227, 1228 and 1229 with the zemindars or other actual proprietors of land, supposing such persons to be willing to engage for the payment of the public revenue on such terms as may appear reasonable.

The settlement of lands held khas how to be formed.

VIII. In cases, in which the zemindars may decline to engage for the payment of the revenue demandable from their lands during the ensuing five years, or in which no acknowledged proprietors of the lands may be forthcoming, it will of course be the duty of the revenue authorities to consider whether the lands shall be let to farm, or whether the rents shall be collected directly from the great body of the ryots; or in other words, whether the lands shall be held khaus, or whether a settlement shall be formed for the above period of five years for the several villages with the head Ryot, however denominated, of each village respectively.

The revenue authorities how to proceed with respect to the lands of zemindars who may decline to engage for the payment of the revenue demandable from them, for the ensuing five years.

A. D. 1816. REGULATION XVII.

A REGULATION *for the occasional revision of the regular Police and Jail establishments; for the due support and regulation of the establishments of Chokeedars; for amending the rules in force for the appointment and removal of Police Officers; for modifying the constitution of the Offices of the Superintendents of Police; and for reducing the miscellaneous business of the Courts of Circuit, and Court of Nizamut Adawlut.*—PASSED *by the Governor General in Council on the 26th July* 1816; *corresponding with the 12th Sawun* 1223 *Bengal era; the 17th Sawun* 1223 *Fussily; the 13th Sawun* 1223 *Willaity; the 2d Sawun* 1873 *Sumbut; and the 29th Shabaan* 1231 *Higeree.*

Preamble.

WHEREAS, with a view to the reduction of the public expenditure, it is expedient to provide for the occasional revision of all police and jail establishments, which may be entertained at the charge of Government, in the provinces immediately dependent on the Presidency of Fort William; and whereas, it is requisite for the due support, regulation and control, of the subsidiary police establishments, which either have been, or which may hereafter be, entertained on the principles of the provisions of

Regulation

Regulation XIII, 1813; that the ſtate of thoſe eſtabliſhments ſhould, at convenient periods, be brought under the conſideration of Government; and whereas, with a view to enable the zillah and city magiſtrates to exerciſe a more efficient control over the jailors and the ſubordinate officers on the jail eſtabliſhments, the cutwals, darogahs of police, and the ſubordinate officers on the police eſtabliſhments within their reſpective juriſdictions, as well as (under certain reſtrictions) to diſtribute their thannah police eſtabliſhments in ſuch manner as may be moſt beneficial to the police, it has been deemed expedient to modify ſome of the rules at preſent in force regarding the appointment and removal of the aforeſaid officers, and the diſtribution of their ſubordinate eſtabliſhments; and whereas, it is expedient that the ſuperintendents of police ſhould be empowered to appoint or remove, by their own authority, any of the native miniſterial officers employed on their reſpective eſtabliſhments; and, likewiſe, that they ſhould be empowered to fine and ſuſpend darogahs, and other officers of police; and whereas, it is expedient, in other reſpects, to reviſe and amend the conſtitution of the offices of ſuperintendents of police, and more expreſſly to define the duties of thoſe officers, as well as to relieve the courts of circuit and court of Nizamut Adawlut from miſcellaneous details unconnected with their more immediate and important functions, and to render the offices of the ſuperintendents of police the channel of ſuch part of the correspondence of the local magiſtrates with the Government as may conveniently be conducted through thoſe offices: The following rules have accordingly been paſſed, to be in force from the date of their promulgation throughout the provinces dependent on the Preſidency of Fort William.

General register of police and jail eſtabliſhments to be prepared by the ſuperintendents of police.

II. *Firſt.* A general regiſter of all eſtabliſhments of police or jail guards (whether permanent or temporary) which may be entertained at the charge of Government, ſhall be prepared and kept up by the ſuperintendents of police, for their reſpective diviſions, according to ſuch form as may be judged moſt convenient, exhibiting

biting the description, strength, distribution and expence of all such guards, or establishments, entertained within the provinces dependent on the Presidency of Fort William.

Second. The several zillah and city magistrates shall furnish the superintendents of police with such information as may be required to enable the superintendents, in concert with those officers, to enter upon a complete and accurate revision of the police and jail establishments of the several zillahs or cities, and to prepare and submit to Government, on as reduced a scale as may be practicable without hazard to the public safety, a revised statement of police and jail establishments for each district, comprized within their respective jurisdictions.

Establishments to be revised by the superintendents of police.

III. With a view to the same objects, the superintendents of police will hereafter regularly submit to Government, with their annual police reports, or as soon after the transmission thereof as may be practicable, an abstract statement, exhibiting a comparative view of the strength and expense of all descriptions of police or jail establishments entertained, during the two preceding years, in the several districts situated within their respective jurisdictions, together with a separate address, explanatory, on the one hand, of any temporary or local increase in such establishments, which circumstances may have rendered necessary, or suggesting, on the other, any further reductions in the strength of those establishments which the ameliorated state of the police, the progressive introduction of subsidiary police arrangements, or other circumstances may appear to admit.

Annual comparative statement of establishments to be transmitted to Government by the superintendents of police, together with a report.

IV. The superintendents of police will also submit to Government an annual report respecting the state of all subsidiary police establishments which may have been, or which may hereafter be, entertained on the principles of the provisions of Regulation XIII, of 1813. The local magistrates are strictly enjoined to give the utmost attention to the due organization and proper maintenance of

Annual report on the state of the subsidiary establishments of police to be submitted to Government.

of such establishments, in conformity with those provisions, and vigilantly to guard against any relaxation of control, either in respect to the conduct of the individuals composing such establishments, or of those who may be entrusted with the realization and payment of the stipends of the chokeedars; and it shall be the special duty of the superintendents of police to bring under the notice of the local magistrates, and, if necessary, of Government, any material deviation from the existing provisions which may prevail, whether partially or otherwise, in respect to those establishments, as well as to offer any suggestions, which, from experience, may appear calculated to extend and to confirm the benefits contemplated by their institution.

Information to be supplied by the magistrates to the superintendents of police.

V. In order to enable the superintendents of police to furnish the annual report to Government, required by the preceding sections, the several zillah and city magistrates shall supply any information relating to the establishments in question which the superintendents may require, and shall likewise conform to any suggestions of those officers, in respect to the organization and management of the said establishments, which may be consistent with the tenor and spirit of the regulations.

Rules modified and rescinded

VI. Such parts of the rules contained in Regulation VIII, 1809, as relate to the appointment or removal of cutwals, darogahs and other police or jail officers, are hereby rescinded, and the rules contained in Sections XI and XII, Regulation XVI, 1810, are declared subject to the following modifications and provisions.

Magistrates empowered to appoint and remove their thanah police officers

VII. *First.* The magistrates of the zillahs and cities shall hereafter exercise the power of appointing cutwals and darogahs and other subordinate officers to the several police stations subject to their control; of removing them from one station to another; of suspending and of dismissing them from office, in consequence of neglect, misconduct or incapacity; and it shall not be considered necessary to report the nomination, appointment, removal, suspension or dismission of such police officers to the courts of circuit, with the view of obtaining the sanction of those courts.

Second.

Second. The zillah or city magiſtrates are likewiſe empowered to appoint fit perſons to the ſituation of jailors and other ſubordinate officers of their criminal jails; and to remove ſuch officers for miſconduct, incapacity, or other ſufficient cauſe, without reference to other authority.

Also to appoint or to remove jailors.

Third. The zillah and city magiſtrates are hereby required to record, upon their proceedings, the grounds upon which any native officers may be removed by them under the proviſions of this regulation, and to ſelect proper perſons to fill all vacancies in the ſituations of ſuch officers, and to continue in office the perſons appointed, whether by themſelves or by their predeceſſors, whilſt they diſcharge the duties aſſigned to them with diligence and integrity.

Proceedings to be holden.

Fit perſons to be ſelected.

Not to be removed without fault.

Fourth. The zillah and city magiſtrates ſhall ſubmit to the judge of circuit, for his information at the period of ſeſſions, a liſt of all perſons whom they may have appointed to the offices of cutwal, police darogah or jailor, ſince the period of the preceding ſeſſions, ſpecifying their names, ages, paſt employments, characters, and qualifications.

Liſt of appointments to be ſubmitted to the courts of circuit at the period of the ſeſſions.

Fifth. In the event of any officer of the deſcriptions noticed in the preceding clauſe, deeming himſelf aggrieved by any order paſſed by a zillah or city magiſtrate with reſpect to his diſmiſſion from office, he ſhall be at liberty to preſent a petition, at the enſuing ſeſſions, to the judge of circuit holding the jail delivery at the ſtation, ſetting forth the circumſtances of his caſe, and grounds of complaint; but the receipt of petitions of this nature ſhall be reſtricted to the period of the ſeſſions immediately enſuing after the order of diſmiſſion ſhall have been paſſed, unleſs it ſhall be proved that the petitioner was prevented by circumſtances totally beyond his control from preſenting his petition within the preſcribed period.

Petitions may be received by judge of circuit at the period of the ſeſſions from officers deeming themſelves aggrieved by their removal.

Sixth.

Judges of circuit how to proceed on the receipt of petitions from darogahs.

Sixth. On perusal of a petition of the description specified in the preceding clause, the judge of circuit, if he deem proper, may require the magistrate to submit the proceedings holden on the case for his inspection, accompanied by any explanation, in the English language, which the magistrate may be desirous to offer.

In what cases the judges of circuit shall submit the magistrate's proceedings to the court of Nizamut Adawlut.

Seventh. After consideration of the papers furnished, should the judge of circuit be of opinion that the powers, vested in the magistrate by the preceding clauses of this section, have been perverted, he shall submit the proceedings to the court of Nizamut Adawlut, as in other cases wherein the courts of circuit are required to report any misconduct on the part of the magistrates; and the court of Nizamut Adawlut shall proceed thereupon, in conformity with the provisions contained in Section XIV, Regulation II, 1801, and Section XXIV, Regulation VIII, 1803, and, in cases in which they may deem it necessary, the court of Nizamut Adawlut shall direct the magistrate to restore to office any individual whom he may have removed without adequate or reasonable grounds.

In what cases the superior courts may direct the removal of police officers.

Eighth. Nothing contained in the foregoing clauses of this section shall be construed to preclude the courts of circuit or the court of Nizamut Adawlut from ordering the removal of any of the police or jail officers, who may be convicted of a criminal offence declared punishable by dismission from office, or, though not so expresly declared, if the conduct of such native officer appear, from any proceeding before a court of circuit or the court of Nizamut Adawlut, to be such as to require his removal from the public situation held by him.

Magistrates empowered to station at out posts a portion not exceeding one third, of their thannah establishment.

VIII. *First.* In modification of Sections VI, and VII, Regulation XIV, 1807, the magistrates are hereby authorized to exercise the power of stationing any portion of their police thannah establishments (not exceeding one-third of the entire establishment) at any chokee, village, ghaut, highway, or other place within

in

in the limits of the thannah to which ſuch eſtabliſhments may appertain; reporting, always, the particulars, as well as the grounds of the arrangement, for the information of the ſuperintendent of police of the diviſion.

Second. Police officers ſtationed at out-poſts, or ſubordinate chokees, ſhall act under the control of the darogah or head police officer of the thannah to which they may be attached, and ſhall afford their aid for the prevention of crimes, the apprehenſion of criminals, and, generally, for the preſervation of the peace, and ſhall report, to the thannah, all occurrences relating to matters of police which may come to their knowledge.

Police officers at out-poſts to act under the orders of darogahs.

Third. The officers of police ſtationed at out-poſts ſhall be competent to exerciſe the ſame powers as are veſted in the police darogahs in apprehending perſons without a written charge or warrant, viz. perſons found in the act of committing a breach of the peace; or againſt whom a general hue and cry ſhall have been raiſed, or who ſhall be detected with ſtolen goods in their poſſeſſion, or who may be liable to apprehenſion under the rules in force as proclaimed for notorious robbers; or vagrants, without any oſtenſible means of ſubſiſtence, who cannot give a ſatisfactory account of themſelves; but no perſons ſhall be arreſted by the ſubordinate officers of police, except in caſes of the nature above noticed, unleſs under the ſpecial warrant of the magiſtrate or of the darogah of the thannah to which the out-poſt may be attached.

Powers of ſuch officers.

Fourth. Perſons apprehended by the ſubordinate eſtabliſhments of police ſhall be forwarded immediately to the thannah to which the out-poſt may belong, accompanied by an explanation of the circumſtances of the caſe, and of the cauſes which may have led to the apprehenſion of the priſoners.

Perſons apprehended to be forwarded to the thannah without delay.

IX. *Firſt.* All deaths, reſignations, removals or appointments

Deaths, reſignations, removals

and appointments of cutwals or police darogahs, to be reported to the superintendents of police.

ments in the office of a cutwal or darogah of police, shall be communicated by the magistrates to the superintendents of police, in such form as the superintendents may deem convenient and proper; in order, not only that the registers of police establishments may be kept correct, but, that any cutwal or police darogah, who may have been dismissed from his office on conviction, before the court of circuit or Nizamut Adawlut, of corruption or of any other criminal offence declared to be punishable by dismission from office, may be precluded from being again employed in any similar situation elsewhere.

Superintendents of police to inform the magistrates in cases where offices are filled by persons previously disqualified.

Second. If any case of this nature should come under the observation of the superintendents of police, it will be their duty to communicate the requisite information to the zillah or city magistrate, in order that the cutwal, darogah, or other police officer who may have been appointed, under the circumstances described in the latter part of the preceding clause, may be immediately removed from his situation.

The removal of a police or other officer not to preclude his being again employed in any situation for which he may be considered duly qualified.

Exception.

Third. It is hereby expressly declared, that the removal of a police officer, or of any officer on the jail establishment of a magistrate, shall not be considered to preclude the future employment of such person in any other situation in the public service, for which he may be deemed duly qualified, except in the cases of conviction described in the first clause of this section.

Superintendents of police empowered to remove and appoint their own officers.

X. The superintendents of police are hereby declared competent to remove or appoint any ministerial native officer employed upon their respective establishments, whenever they may see sufficient cause, and all such appointments or removals shall be final.

Superintendents of police authorized to fine police officers.

XI. *First.* The superintendents of police are further declared competent, in the same manner and to the same extent as the local magistrates, to impose fines on any cutwal, police darogah, or other

subordinate

ſubordinate officer of the police eſtabliſhments ſtationed within the limits of their reſpective juriſdictions.

Second. The ſuperintendents of police are likewiſe declared competent to ſuſpend from office any cutwal, darogah or other ſubordinate officer, of the police eſtabliſhments of their reſpective juriſdictions, during any enquiry which they may judge proper to inſtitute in regard to the conduct of ſuch officers, and alſo for neglect, or failure to furniſh information, or to obey orders iſſued to them by the ſuperintendents of police.

Alſo to ſuſpend them in certain caſes.

Third. Whenever the ſuperintendents of police may deem it neceſſary, in the diſcharge of their duties, to fine or ſuſpend any of the public officers above ſpecified, they ſhall communicate an extract from their proceedings with a copy of the order paſſed by them to the local magiſtrate, who, in purſuance of Clauſe Firſt, Section V, Regulation III, 1812, will proceed to realize the fine in the ſame manner as if it had been impoſed by the magiſtrate himſelf, or to carry into effect the ſuperintendents' order of ſuſpenſion, and to ſupply the vacancy occaſioned thereby.

Superintendent's orders how to be carried into effect.

XII. *Firſt.* Should the ſuperintendents of police, on viſiting any diſtrict of their reſpective juriſdictions, deem it adviſable to take under their immediate charge, for the purpoſe of exerciſing temporarily the powers of magiſtrate, any police thannah or thannahs of ſuch diſtrict, they will make the neceſſary application for that purpoſe to the local magiſtrate, who will comply with all requiſitions to that effect, from the ſuperintendents of police, without awaiting any ſpecific orders from Government, under the proviſions of Clauſe Third, Section II, Regulation XVI, 1810.

Superintendents of police authorized to aſſume excluſive charge of any thannah or thannahs.

Rule to be obſerved in ſuch caſes.

Second. In ſuch caſes the ſuperintendents of police will exerciſe the ſame powers as are veſted in the magiſtrates with regard to the removal or ſuſpenſion of any of the police officers attached to the thannahs of which the ſuperintendents may take charge under the foregoing clauſe, and the zillah or city magiſtrates ſhall not be conſidered to be authorized, without the ſpecial ſanction of Government,

Powers to be exerciſed by the ſuperintendents of police on ſuch occaſions.

Magiſtrates unleſs ſpecially authorized prohibited from exerciſing concurrent juriſdiction

In any thannahs of which the superintendent of police may take charge, except in specific cases.

vernment, to exercise any concurrent jurisdiction in such thannah or thannahs, except in the cases provided for in Section XVI, Regulation XXII, 1793, Section XV, Regulation XVII, 1795, and Section XVI, Regulation XXXV, 1803.

All correspondence on matters of police to be conducted through the offices of the superintendents of police.

XIII. All correspondence of the zillah and city magistrates relative to the strength, distribution or expense of their police or jail establishments (whether temporary or permanent) or respecting any alteration of police stations, or of their local boundaries, and, generally, all correspondence of those officers with the Government which may have reference to arrangements or matters of police, shall hereafter be conducted through the offices of the superintendents of police.

Reports at present submitted to the courts of circuit and court of Nizamut Adawlut in regard to the escape of prisoners to be discontinued.

XIV. *First.* In lieu of the reports which the zillah and city magistrates are at present required to submit to the court of Nizamut Adawlut through the channel of the courts of circuit, relative to the escape of prisoners, it is hereby directed that all proceedings held by magistrates in regard to the escape of prisoners, as well as any proceedings respecting the conduct of the guards, from whose custody the escape may have been effected, shall henceforward be submitted for the inspection and orders of the judge of circuit at the time of sessions.

But magistrate's proceedings to be submitted to the judge of circuit at the time of sessions.

Reports to be sent to the superintendents of police.

Second. The zillah and city magistrates shall communicate to the superintendents of police of their respective divisions all instances of convicts breaking jail, before the expiration of the period of their sentences, as well as every instance in which a prisoner in custody, during examination or commitment, for trial, or under requisition of security for good behaviour, may effect his escape, transmitting, for the information of the superintendents of police, a copy or extract of the proceedings holden by them on such occasions together with information of the measures taken to re-apprehend the persons who have escaped, stating, at the same time, whether, in their opinion, it may be advisable to offer any reward

And rewards

for

for the re-apprehenſion of ſuch perſons, and if ſo, the amount of ſuch reward.

recommended if necessary.

Third. If the ſuperintendent of police ſhould be of opinion that the re-apprehenſion of the offender or offenders may be effected without the offer of a reward, he will employ, in concert with the local magiſtrate, the means which he may conſider beſt adapted to that purpoſe, but ſhould he deem the offer of a reward expedient, he will in like manner adopt the neceſſary meaſures for giving publicity to the ſame, provided, that whenever the reward propoſed to be offered for the re-apprehenſion of any individual, ſhall exceed the ſum of one hundred ſicca rupees, the ſanction of Government ſhall be previouſly obtained; in caſes, however, in which heinous offenders may have eſcaped, or on occaſions of emergency, the magiſtrates ſhall exerciſe a diſcretion in offering a reward not exceeding the ſum of one hundred rupees, reporting the offer for the confirmation of the ſuperintendent of police.

Superintendents of police how to proceed on receipt of ſuch reports.

XV. When a zillah or city magiſtrate ſhall be of opinion that it is expedient to grant any reward to a police officer or other perſon for particularly meritorious conduct, or for any ſervices rendered to the police; he will ſtate the circumſtances, with his ſentiments, to the ſuperintendent of police, who, on ſuch occaſions, will exerciſe the ſame powers, and proceed in the ſame manner, as is preſcribed by the preceding ſection; but, this rule ſhall not be conſtrued to preclude the courts of circuit and court of Nizamut Adawlut from the exerciſe of the powers veſted in them by Section XVIII, Regulation XVI, 1810, whenever, from any circumſtances which may appear in the progreſs of a trial, they may conſider it expedient to direct or to recommend the payment of any reward, under that ſection.

Magiſtrates how to proceed in recommending rewards for meritorious ſervices.

XVI. The general ſuperintendence of all lands aſſigned as endowments for the maintenance of bridges, ſerays and kuttras, ſhall remain, as heretofore, veſted in the Board of Revenue and Board

The revenue authorities to retain the ſuperintendence of lands aſſigned for the mainte-

nance of bridges, ferays, &c. Parts of regulation XIX, 1810, rescinded.

Board of Commissioners; but, such parts of Regulation XIX, 1810, as require that those Boards should provide, with the sanction of Government, for the due repair and maintenance of public edifices of this description, are hereby rescinded.

A general control over public roads &c. vested in the superintendents of police.

XVII. *First.* The superintendents of police shall exercise a general control over the public roads, bridges, ferays and kuttras, within the limits of their respective jurisdictions.

Magistrates to communicate with the superintendents of police in cases when public works are considered necessary.

Second. Whenever the local magistrates may be of opinion that any works of the description specified in the preceding clause, are necessary in the cities or zillahs subject to their authority, they shall communicate their sentiments on the subject to the superintendent of police in the lower or western provinces, as the case may be, instead of addressing themselves directly to Government.

How the superintendents are to proceed on the receipt of such communications.

Third. On receipt of communications of the description abovementioned, the superintendents of police shall consider, not merely the local advantages which may attend the proposed works, but, likewise, their tendency to facilitate the communication between the several districts, and their general utility, whether in the promotion of the commercial or common interests of the country at large.

Further rules for the guidance of the superintendents on such occasions.

Fourth. The superintendents of police shall likewise ascertain how far the labor of the convicts confined in the several districts, within their respective jurisdictions, can be employed in the execution of the proposed works, without withdrawing them from other works of equal or greater utility.

Magistrates to furnish the superintendents with information regarding the state of the public works &c.

Fifth. The several zillah and city magistrates shall furnish the superintendents of police with such information as may be required by those officers in regard to the employment of the convicts and the state of the public works.

XVIII.

XVIII. Whenever it may be neceſſary, under the orders of Government, to collect any number of convicts together for the execution of public works, and ſuch convicts cannot be ſupplied from the ſudder ſtation of the diſtrict in which their ſervices may be required, the ſuperintendents of police ſhall make application to the court of Nizamut Adawlut, ſtating, the number of priſoners required; the work on which it is propoſed that they ſhould be employed; and the diſtricts from which, in their opinion, they can be moſt conveniently ſupplied; and the court of Nizamut Adawlut ſhall determine on the expediency of the removal of the convicts, and iſſue ſuch inſtructions on the ſubject to the local magiſtrates as they may deem proper.

Superintendents to apply to the Nizamut Adawlut in caſes when convicts cannot be obtained from the ſudder ſtation.

What ſuch applications are to contain.

XIX. *First.* In caſes in which the ſuperintendents of police may be of opinion, whether on conſideration of reports from the local magiſtrates, or from other ſources of information, that any public work, of the deſcription ſpecified in Section XVII, ſhould be undertaken at the expenſe of Government, they ſhall aſcertain, from the local authorities, and, as far as practicable, from profeſſional perſons, the expenſe to which Government would be ſubject in the execution of the propoſed works, and ſhall ſubmit a full and comprehenſive report on the ſubject to Government, containing the neceſſary information in regard to the utility of the work, together with an eſtimate of the probable expenſe attending its execution.

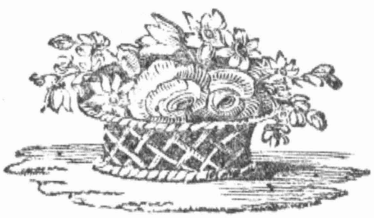
Superintendents of police to report to government in caſes in which the conſtruction of public works at the expenſe of government appears advisable.

Second. In ſubmitting reports of the above deſcription, the ſuperintendents of police ſhall be careful to aſcertain whether any means can be deviſed for defraying the expenſe of the propoſed works otherwiſe than from the general funds of Government, and they will refrain from recommending any expenſive undertakings, except in caſes which may promiſe to be attended with more than ordinary convenience and advantage.

Rules to be obſerved by the ſuperintendents of police in ſubmitting reports to government.

XX. Nothing

XX. Nothing in the foregoing rules ſhall be conſtrued as ſuperſeding the control exerciſed by the courts of circuit in regard to the employment of the convicts.



A. D. 1816. REGULATION XVIII.

A REGULATION *for annexing to the Zillah of Allahabad the Pergunnah of Handya, formerly composing a part of the territories of His Excellency the Nuwaub Vizier :*—PASSED *by the Governor General in Council, on the* 16*th of August* 1816; *corresponding with the* 2*d Bhadoon* 1223 *Bengal era; the* 8*th Bhadoon* 1223 *Fussily; the* 3*d Bhadoon* 1223 *Willaity; the* 8*th Bhadoon* 1873 *Sumbut, and the* 21*st Ramzaun* 1231 *Higeree.*

Preamble.

WHEREAS the pergunnah of Handya has been ceded to the Honorable the East India Company in full sovereignty by His Excellency the Nuwaub Vizier, and whereas it has been judged advisable to annex that pergunnah to the district of Allahabad, the following rules have been enacted, to be in force from the period of their promulgation.

The purgunnah of Handya annexed to Allahabad and the existing laws and rules.

II. The pergunnah of Handya shall be annexed to the district

gulations extended to that pergunnah.

Subject to the following provisions.

trict of Allahabad, and the laws and regulations established for the internal administration of that district, are hereby declared to be in full force and effect in pergunnah Handya, subject however to the provisions contained in the following Sections.

Civil courts prohibited from taking cognizance of suits if the cause of action shall have arisen previously to the 1st of May 1804.

III. The courts of civil judicature shall not be deemed competent to take cognizance of civil claims in pergunnah Handya, the cause of action in which may have originated previously to the 1st of May 1804, being a period of twelve years antecedent to the cession of that pergunnah.

Criminal courts prohibited from taking cognizance of offences committed previously to the 1st May 1816.

IV. *First.* The courts of criminal judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the said pergunnah, previously to the 1st of May 1816, being the date of the treaty between the British Government and His Excellency the Vizier, under which the said pergunnah was ceded to the Honorable the East India Company.

Such of the Regulations in force as increase the punishments prescribed by the Mahomedan law, declared inapplicable to offences committed in Handya between the 1st of May 1816, and the promulgation of this Regulation.

Second. No part of the regulations in force, by which the punishment of any offence is enhanced beyond the punishment prescribed for such offence by the Mahomedan law, shall be considered applicable to any crime or offence committed within Pergunnah Handya between the 1st of May 1816, and the period of the promulgation of this Regulation.

But such of the Regulations as modify or commute in favor of the prisoner the punishments prescribed by the Mahomedan law, declared applicable to offences committed in Handya within the period abovementioned.

Third. The provisions of the Regulations in force, by which the penalties prescribed by the Mahomedan law for the punishment of crimes and offences, have been modified in a manner favourable to the prisoner, either by directing a commutation of the punishment of amputation to imprisonment, or otherwise, shall nevertheless be considered applicable to individuals who may be convicted of having committed of-

fences

fences in pergunnah Handya, between the 1st of May 1816, and the period of the promulgation of this Regulation.

V. The Governor General in Council reserves to himself the power of fixing the periods, for which the settlement of the land revenue shall from time to time be formed in the said pergunnah, according as local circumstances may appear to require, adhering however as nearly as practicable, to the principles established for the settlement generally of the lands in the territories ordinarily denominated the Ceded and Conquered Provinces.

Power reserved to the Governor General in Council of fixing the periods for the formation of the settlement of the land revenue.

A. D. 1816. REGULATION XIX.

A REGULATION *for the better management of Ferries and for levying a Toll on the passage of persons and property over Rivers and Lakes :—Passed by the Governor General in Council on the 23d of August,* 1816 *; corresponding with the 9th Bhadoon,* 1223, *Bengal era ; the* 15*th Bhadoon,* 1223, *Fussily ; the* 10*th Bhadoon,* 1223, *Willaity ; the* 15*th Bhadoon,* 1873, *Sumbut ; and the* 28*th Ramzaan,* 1231, *Higeree.*

Preamble.

WHEREAS it appears expedient, that the ferries should be placed under certain Regulations, for the better maintenance of the peace of the country, for the safety and convenience of travellers, for the secure transportation of property, and for the eventual improvement of the public resources, the Governor General in Council has been pleased to resolve, that the management of the ferries shall be entrusted to the officers of government, and that tolls shall be levied on the passage of persons and property, at such ferries. The following

ing rules have accordingly been enacted, to be in force throughout the provinces immediately depending on the Presidency of Fort William, from the commencement of the ensuing Fussily, Willaity, and Bengal years, respectively.

Collectors of the land revenue to regulate the assessment and management of the ferries under the control of the respective revenue authorities.

II. The collectors of land revenue shall, under the control of the board of revenue, board of commissioners, and commissioner in Behar and Benares, regulate the assessment of the ferries, the rates of toll to be levied from passengers, the number of ferries in each district, and the number and size of the boats to be maintained at each ferry, and shall let the ferries in farm, either separately or collectively, for any period not exceeding one year, or hold them under khas management, or exempt any of them from the payment of revenue to government, as circumstances may render expedient.

Ferries may be annually farmed, either separately or collectively.

Or held khas, or exempted from the payment of revenue.

Collectors how to proceed in cases where ferries are to be let in farm.

III. In those cases in which it may be deemed advisable to let the ferries in farm instead of holding them khas, agreeably to the option reserved to the revenue authorities by the preceding Section, advertisements shall be issued, specifying the rates of toll to be levied, and the number and description of boats to be maintained at each ferry, and inviting proposals for farming such ferries.

What the advertisements are to specify.

Discretion vested in the revenue authorities with regard to ferries on each side of the same river, but in districts of different collectors.

IV. In places where the ghauts on each side of a river may be situated in the districts of different collectors of the land revenue, the ferries and boats at such ghauts shall, at the discretion of the superintending board or commissioner, be placed under the control of one or both collectors as may appear proper.

Farmers of ferries to execute engagements.

V. All farmers shall be required to execute engagements stipulating to pay the rent of the ferries into the collector's treasury, by monthly or other periodical instalments.

VI.

VI. Sums of money due from the farmers of ferries, or from the agents of government, where the ferries may be held under khas management, shall be realized under the rules prescribed for the recovery of arrears of land revenue as far as the same may appear applicable.

The rules in force for the recovery of arrears of revenue declared applicable to the recovery of balances due from farmers of ferries and others.

VII. The collectors of land revenue shall be entitled to a commission on the net revenue realized by government, under the provisions of this Regulation, at such rate as the Governor General in Council may direct.

The collectors to receive a commission on the net amount of the revenue realized by Government.

VIII. It shall be competent to the board of commissioners, to the board of revenue, and to the commissioner in Behar and Benares, to reduce or enlarge, either of their own accord, or at the suggestion of the magistrates, the number of ferries of every description, and to reduce or enlarge the number of boats at any ferry, whenever it may appear to them expedient, due reference being had to the rights of the farmers.

The revenue authorities empowered to reduce or increase the number of ferries or the number of boats at any ferry.

IX. In the event of its appearing that the profits derived from any resumed ferry may have been included in the permanent assessment of the estate to which it has heretofore been annexed, the board or commissioner, under whose orders the enquiry may be conducted, shall report the circumtsance, with an opinion on the merits of the claim for the consideration and orders of the Governor General in Council, and the courts of judicature shall not take cognizance of any claims to deductions or compensations on account of the tolls levied at any ferry or ghaut.

The revenue authorities to report to government cases in which the profits of a resumed ferry may have been included in the permanent assessment of an estate.

The civil courts prohibited from taking cognizance of claims to deductions on account of tolls levied at ferries or ghauts.

X. *First.* The collectors of the land revenue shall grant licenses according to the form No. 1. of the appendix, to all persons engaging to farm the ferries under the provisions of this Regulation, as well as to all other persons managing fer-

Collectors to grant licenses to farmers of ferries.

And to the managers of ferries where boats are used for hire, although such ferries

rics

may not be publicly assessed.

Such managers to execute engagements to perform the conditions of their licenses.

ries where the boats employed may be used for hire, although such ferries may not be assessed for the public revenue, and shall cause such persons to execute engagements according to the form No. 2. of the appendix to abide by and perform the conditions of their licences.

Collectors to issue Perwanehs to native officers in charge of ferries under khas management.

Such officers declared liable to punishment on a breach of the prescribed conditions.

Second. Perwanehs containing conditions similar to those included in the form of license No. 1. shall be issued by the collectors to the native officers of government, to whom the charge of the ferries may be confided, during the time that they may be under khas management, and such officers shall be declared liable on breach of the conditions prescribed, to dismission from office, and to such further punishment under the Regulations, as the circumstances of the case may appear to require.

Licenses to be issued in numerical order, and a Register of them kept in the collector's office.

XI. Licenses granted under this Regulation shall be issued in numerical order, and a register shall be kept in the office of the collector, according to the form No. 3 of the Appendix.

Licenses to be delivered up at the expiration of the year.

XII. All licenses granted by the collector shall be delivered up at the expiration of the year, and persons neglecting to conform to this rule within one month after the close of the year, shall be summoned to the collector's office, in order that their licenses may be renewed.

Magistrates vested with a controlling power over manjees of ferry boats.

And competent to punish manjees who may violate their engagements by fine and imprisonment.

XIII. For the better maintenance of the public peace and the safety and convenience of travellers and the support of trade, the magistrates and their police officers shall exercise control over the conduct of the manjees presiding at ghauts, and the manjees of boats at ferries, and the magistrates shall be competent to punish any manjee of a ghaut or ferry boat who may violate the conditions of his engagements as hereinafter prescribed, by imprisonment, according to the circumstances of the case,

case, for any period not exceeding six months, and by fine for any sum not exceeding two hundred rupees, commutable in default of payment to a further period of imprisonment, not exceeding six months; the magistrate shall further be competent to direct the removal from the office of boat or ghaut manjee of any person in those situations who may be guilty of a breach of their engagements, and if such manjee should also be the licensed manager of the ferry, the magistrate shall be competent to direct the forfeiture of the license, at the same time communicating the order for the information of the collector of the district.

Limitation as to the period of imprisonment and amount of the fine to be levied.

Magistrates may also direct the removal of manjees or may withdraw their licenses, informing the collector of the orders issued on such occasions.

XIV. *First.* On the commencement of each Bengal and Fussilly year, the collectors shall transmit to the magistrates a statement of the licensed ferries, drawn out according to the form No. 4, of the appendix, and shall likewise, when occasion may require, inform the magistrate of any intermediate mutations or resumptions of the licenses.

Collectors to furnish the magistrates with statements of licensed ferries, and to inform them of occasional mutations or resumptions of licenses.

Second. Extracts from the foregoing statement, containing the particulars relating to each ferry, shall be forwarded from the magistrate's office to the several police daroghas, within the limits of whose jurisdiction the ferries may respectively be situated, and the daroghas on the receipt of such extracts shall summon before them the manjees of the ghauts and ferry boats, and shall take from them (as far as the same may be applicable to the description of manjee) engagements agreeably to the form No. 5 of the appendix, which engagements shall be transmitted to the magistrate's court.

Extracts from such statements to be sent from the magistrate's office to police daroghas within whose jurisdiction ferries may be situated.

How the daroghas are to proceed upon the receipt of such extracts.

XV. Any unauthorized person employing a boat for the purpose of ferrying passengers, cattle, or other property for hire, shall be liable on conviction before a magistrate to a fine not exceeding rupees one hundred, or in default of payment to confinement

Unauthorized persons employing ferry boats for hire how to be dealt with.

ment with labor for a period not exceeding three months, and the boat or boats used by such person shall be liable to be confiscated to government.

Rules to be observed by darogahs for ensuring the provision of safe and convenient ferry boats within their respective juridictions.

XVI. The daroghas of police shall pay due attention to the state of the ferry boats within their respective jurisdictions, and shall require the person whose duty it may be, to provide safe and convenient boats, to repair them when necessary, and to construct new boats when those in use may be found unfit for service.

Darogahs to report periodically to the magistrates on the state of the ferry boats.

Unserviceable boats to be withdrawn and others substituted.

And ferry or ghaut manjees declining to conform to the rules prescribed to be reported to the magistrates.

XVII. At the close of each year, the daroghas of police shall furnish a specific report to the magistrate of the state of the boats employed at each ferry in their respective divisions, and such boats as may appear unfit for service shall be withdrawn; and other proper boats substituted; and whenever any manjee of a ferry or ghaut may decline to conform to requisitions made under the rules contained in this Section, the darogha shall immediately report the circumstance for the orders of the magistrate, or for such communication to the collector as may appear proper.

Penalties in cases where persons may be drowned in crossing a ferry by the oversetting or sinking of an overloaded, insufficiently manned or unserviceable boat.

XVIII. If any person shall be drowned in crossing a ferry, by the oversetting, or sinking, of a boat, and it shall be established on enquiry before a magistrate that the boat was overloaded with passengers, or property, or was insufficiently manned, or was out of repair at the time of the accident, the manjee of the ghaut or boat, if duly convicted of permitting his boat to be overloaded, or to be insufficiently manned or out of repair, shall be liable to such fine and such period of imprisonment, as the magistrate may think proper to impose, under the provisions of Section XIII. of this Regulation; and the license of the farmer or manager of the ferry shall be liable to be forfeited, unless he can prove to the satisfaction of the magistrate that the

accident

accident was not imputable to any want of proper care and attention on his part.

XIX. The forfeiture of a license by order of the magistrate under any of the foregoing provisions, shall involve the annulment of a farmer's lease for the particular ferry therein mentioned, and all orders passed by the magistrates in regard to the forfeiture of licenses, whether for ferries assessed by government or otherwise, shall without delay be communicated for the information and guidance of the collector of the district.

The forfeiture of a license by the magistrate's order declared sufficient to involve the annulment of the lease.

All orders passed by the magistrates regarding the forfeiture of licenses to be communicated to the collector.

XX. The magistrates and the collectors of the land revenue are required to ascertain from time to time, through their local officers or otherwise, the actual state of the ferry boats within their respective districts, especially those used for crossing broad and deep rivers or lakes, and to adopt such measures as may be necessary for carrying into full effect the intention of this Regulation, as it respects the safety and convenience of passengers, and the secure conveyance of property at the public ferries.

Magistrates and collectors required to ascertain the state of the ferry boats within their respective districts.

And to adopt measures for giving full effect to the intention of this Regulation.

APPENDIX.

FORM, No. 1.

License to Farmers and other Managers of Ferries and Ghauts.

Whereas A. B. inhabitant of (city town, or village) has obtained a license for the establishment of a ferry boat (or ferry Boats) at on the river it is required of A. B. as a condition of this license, remaining in force, that he strictly conform to the following rules.

1st.

1st. That the boat (or boats) used at the ferry shall be strong and kept in good repair, and that the number of boatmen and the burthen of each boat shall be equal to that specified in the subjoined statement.

2d. That he will cross free of toll the troops of government, with their baggage, and all military stores, as well as all police and other officers of government who may be actually employed on the public service.

3d. That he will attend implicitly to all orders which he may receive from the magistrate, in regard to crossing the troops, to plying the ferry during the night time, as well as in respect to other matters relating to the police.

4th. That he shall cause a board exhibiting the authorized rates of fare as contained in the subjoined statement, to be constantly fixed up in a conspicuous place, close to the ghaut, and that he will not knowingly allow the manjees or boatmen to demand or receive more than such rates.

5th. That on breach of any of the foregoing conditions, or on proof of any other misconduct relating to the management of the ferry, the license shall be liable to be resumed.

STATEMENT.

Description and burthen of each boat.	*Number of Manjees and Dandies to be employed in each boat.*	*Number of Passengers which each boat is capable of conveying at one time.*	*Established Ferry rates for crossing Men, Cattle, burthen, &c.*

FORM

FORM, No. 2.

Whereas I A. B. have received from the Collector of a license to maintain a ferry boat (or boats) at the ghaut of on the river within the jurisdiction of the thannah of until the I do hereby engage to abide by, and perform the several conditions specified in the said license (reciting them): in failure whereof the said license shall be held forfeited.

FORM, No. 3.

Register of Licenses granted to Farmers and others, for the management of Ferries in the district of for the year

Number of the License.	*Date of the License.*	*To whom granted.*	*Name of the Ferry or Ghaut.*	*In what Thannah situated.*	*Forfeitures, mutations & casualties within the year & date of the return of the expired licenses.*

FORM

FORM, No. 4.

STATEMENT of Licensed Ferries, established in the district of

Name of the Ferry or Ghaut, and situated near to what City, Town or Village.	*On what River.*	*Within the Jurisdiction of what Thannah.*	*Road from whence and leading to what place.*	*Name of the licensed Manager or managing agent on the part of Govt. & if farmed, the period of the lease.*	*Established Ferry Rates for crossing Men, Cattle, Carriages, &c. &c. &c.*	*Description and Burthen & number of Boats employed.*	*Number of Passengers which the Boat is capable of crossing at all seasons.*	*Name of the Manjees and number of Dandies.*	*Annual Jumma assessed; or if Khas, computed average of annual receipts.*	*Navigable all the year or how many months.*	*Name of the Landholder in whose estate the Ferry is situated.*
Kudul Kuttee near to Rampore Bauleah.	Ganges.	Bauleah.	From Nattore to Moorshedabad.	Rajkishore Farmer, lease for one year.	Rs. As. Ps. A Man, . 0 1 6 Ditto, with burthen, 0 3 0 Ditto, with bangy, . 0 6 0 Horse and Horsemen, . . 0 6 0 Camel, . . 0 10 0 Cart, . . 0 10 0 Elephant, . 6 0 0	3 Boats of 500 Muns each.	80 Men in each Boat.	Shaikh Bola, Ali Buksh and Jan Mahomed, with 3 Dandies each.	2600 Rs. per Annum.	All the year.	Deanut Khan.

FORM No. 5.

Penal Engagements to be taken from Manjies.

Whereas I A. B. have been appointed to the office of (ghaut or ferry) manjie of on the river within the jurisdiction of the thannah of I do hereby engage to abide by and perform the several conditions hereinafter mentioned.

1st.—I will regularly employ, for the purpose of plying the ferry, the number of boatmen specified in the subjoined statement.

2d.—I will not collect more than the established rates of fare as recited in the subjoined statement, from any person crossing at the ferry.

3d.—I will not collect any toll after the passengers enter the boat.

4th.—I will regulate the number of passengers crossing at the ferry at the same time, strictly by the size of my boat, and according to the subjoined statement.

5th.—I will give immediate intimation to the nearest police officer, on the occasion of any assemblage of persons of suspicious appearance, passing the ferry.

6th.—I will implicitly abide by all orders which I may receive from the magistrate, in regard to crossing the troops of government, and with respect to plying the ferry during the night time, as well as in relation to other matters connected with the police.

7th.—In default of any of the foregoing conditions, I shall be liable to such punishment by fine and imprisonment as the magistrate under the Regulations may judge proper to impose upon me.

STATEMENT

A. D. 1816. REGULATION XIX.

STATEMENT.

Description and burthen of each Boat.	*Number of Dandies to be employed in each Boat.*	*Number of Passengers which each Boat is capable of conveying at one time.*	*Established Ferry Rates for crossing Men, Cattle, Burthen &c.*

A. D. 1816. REGULATION XX.

A REGULATION *for modifying certain parts of Regulation III.* 1811,—PASSED *by the Governor General in Council on the* 25*th October* 1816, *corresponding with the* 10*th Kautick* 1223 *Bengal era; the* 19*th Kautick* 1223 *Fussily; the* 11*th Kautick* 1223 *Willaity; the* 5*th Kautick* 1873 *Sumbut; and the* 3*d Zeelhij* 1231 *Higeree.*

Preamble.

WHEREAS a convention of commerce has been concluded between Great Britain and the United States of America, containing certain special provisions for the conduct of the trade of American subjects with the British territories in India, the following rules have been framed into a Regulation, to be in force in the territories immediately dependent on the Presidency of Fort William, from the period of their promulgation.

The operation of parts of Section III. Regulation III. 1811, modified.

II. It is hereby declared and enacted, that such parts of Section III. Regulation III, 1811, as refer to ships belonging to the United States

States of America shall cease during the continuance of the said *convention, and the several provisions of the third article thereof,* which is herein inserted, shall, during the said period, be observed within the territories immediately dependent on the Presidency of Fort William.

Article III of a convention of commerce.

Article III. of a convention of commerce between Great Britain and the United States of America, signed at London, 3d July, 1815.

" His Britannick Majesty agrees that the vessels of the United " States of America shall be admitted and hospitably received " at the principal settlements of the British dominions in the East " Indies, viz. Calcutta, Madras, Bombay, and Prince of Wales' " Island, and that the citizens of the said United States may " freely carry on trade between the said principal settlements and " the said United States, in all articles of which the importation " and exportation, respectively, to and from the said territories, " shall not be entirely prohibited: provided only, that it shall " not be lawful for them in any time of war, between the Bri- " tish Government and any state or power whatever, to export " from the said territories, without the special permission of the " British Government, any military stores, or naval stores, or " rice. The citizens of the United States shall pay for their " vessels, when admitted, no higher or other duty or charge than " shall be payable on the vessels of the most favoured European " nations, and they shall pay no higher or other duties or charges " on the importation or exportation of the cargoes of the said " vessels, than shall be payable on the same articles when import- " ed or exported in the vessels of the most favoured European " nations.

" But it is expressly agreed, that the vessels of the United States

" shall

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" shall not carry any articles from the said principal settlements " to any port or place, except to some port or place in the United " States of America, where the same shall be unladen.

" It is also understood, that the permission granted by this " article, is not to extend to allow the vessels of the United States " to carry on any part of the coasting trade of the said British " territories, but the vessels of the United States having, in the " first instance, proceeded to one of the said principal settlements " of the British dominions in the East Indies, and then going " with their original cargoes, or any part thereof, from one of the " said principal settlements to another, shall not be considered as " carrying on the coasting trade. The vessels of the United " States may also touch, for refreshments, but not for commerce, " in the course of their voyage to or from the British territories " in India, or to or from the dominions of the Emperor of China, " at the Cape of Good Hope, the Island of St. Helena, or such " other places as may be in the possession of Great Britain, in the " African or Indian Seas; it being well understood that in all " that regards this article, the citizens of the United States shall " be subject, in all respects, to the laws and regulations of the " British Government, from time to time established."

Explanation regarding the vessels of the United States of America being prohibited from touching at, or holding any communication with the Island of St. Helena.

III. In explanation of the above article, the Governor General in Council deems it proper to give notice, for general information, that the ratifications of the said treaty were exchanged under the explicit declaration and understanding, that the vessels of the United States cannot be allowed to touch at, or hold any communication with the Island of St. Helena, as long as the said Island shall continue to be the place of residence of Napoleon Buonaparte.

A. D. 1816. REGULATION XXI.

A REGULATION *for modifying Section* XLIII. *Regulation* XLV. 1803, *which prescribes a specified weight for the copper Pice to be coined at the Mint of Farruckabad,*—PASSED *by the Governor General in Council on the* 8*th November* 1816; *corresponding with the* 24*th Cartic* 1223 *Bengal era; the* 3*d Aughun* 1224, *Fussily; the* 25*th Cartic* 1224, *Willaity; the* 3*d Aughun* 1873 *Sumbut*; *and the* 17*th Zelhij* 1231 *Higeree.*

WHEREAS it has been deemed advisable to reduce the weight of the copper coinage intended to be introduced into the ceded provinces by Section XLIII. to Section LI. Regulation XLV. 1803, extended to the conquered provinces by Regulation XI. 1805, the following rules have been enacted, to be in force from their promulgation.

II. Section XLIII. Regulation XLV. 1803, is hereby rescinded.

Section XLIII. Regulation XLV. 1803. rescinded.

III.

Weight of the copper coin to be struck at the mint at Furruckabad.

III. A copper coin shall be struck at the mint of Furruckabad, weighing two hundred grains troy for the whole or double pice, and one hundred grains troy for the half or single pice.

Rate at which such coin is to be issued.

IV. Such copper coin shall be issued from the mint at the rate of thirty-two whole or double pice, and of sixty-four half or single pice for each Rupee.

A. D. 1816. REGULATION XXII.

A REGULATION *for re-enacting and reducing into one Regulation, with amendments and further provisions, the rules in force for the appointment and maintenance of Chokeedars of Police.*—PASSED *by the Governor General in Council on the 27th December* 1816; *corresponding with the* 14*th Poose* 1223 *Bengal era; the* 23*d Poose* 1224 *Fusly; the* 15*th Poose* 1224 *Willaity; the* 8*th Poose* 1873 *Sumbut; and the* 7*th Suffer* 1232 *Higeree.*

Preamble.

WHEREAS it has been found expedient to rescind or amend certain parts of Regulation XIII, 1813, for the appointment and maintenance of chokeedars of police in the cities of Dacca, Patna and Moorshedabad, extended by Regulations III and XVI, 1814, to the stations at which the zillah magistrates ordinarily reside, (the city of Benares excepted,) throughout the Provinces dependant on the Presidency of Fort William; and Whereas it is convenient that the rules now in force for the appointment and maintenance of police chokeedars, at the cities and stations aforesaid, with such modifications or further provisions, as are necessary, be consolidated and re-enacted in one Regulation, and be extended to the several towns at which joint

magistrates

magistrates are or may be stationed within the divisions of Calcutta, Dacca, Moorshedabad and Patna: the following rules have been passed, to be in force from the 1st April 1817, A. D. in the Cities of Dacca, Patna and Moorshedabad, and at the several stations at which the magistrates ordinarily reside throughout the Provinces immediately dependent on the Presidency of Fort William, as well as at the several towns, at which joint magistrates are stationed in the divisions of Calcutta, Dacca, Moorshedabad and Patna.

Regulations rescinded by this Regulation.

II. Regulations XIII, 1813, and III, and XVI, 1814, are hereby rescinded from the 1st April, 1817, A. D.

Police chokeedars entertained at the cities, and stations herein specified, by whom to be appointed and maintained.

III. All chokeedars who may have been appointed under the provisions of the above Regulations, or whom it may hereafter be judged necessary to appoint in aid of the police in the cities of Dacca, Patna, or Moorshedabad, or at the stations at which the zillah magistrates ordinarily reside within the Provinces immediately dependent on the Presidency of Fort William, or at the several towns at which joint magistrates are stationed within the divisions of Calcutta, Dacca, Moorshedabad and Patna, shall be nominated, appointed and maintained by the respective communities for whose benefit and protection such subsidiary police establishments may be required; and which communities are accordingly hereby declared chargeable with the expence of maintaining such chokeedars, subject to the limitations and provisions following.

Chokeedars to receive a monthly allowance in money.

IV. All chokeedars of police who may have been appointed under the provisions of the Regulations noticed, or who may hereafter be appointed under the provisions of this Regulation shall be paid in money only, and shall receive an allowance for their support, the amount of which shall be determined at the discretion of the magistrate, with reference to the usual wages of

of labor, not however exceeding three, or being less than two rupees per mensem.

V. The number of chokeedars to be appointed and maintained in the several cities or stations aforesaid, shall likewise be determined at the discretion of the magistrate, or joint magistrate, with reference to the known or apparent condition of the inhabitants, not however exceeding in any instance the average number of two chokeedars, to every fifty shops, or occupied habitations.

The number of chokeedars to be appointed and maintained, how regulated.

VI. The aggregate sum to be collected monthly from the inhabitants of the several cities or stations aforesaid, to provide for the payment of their respective chokeedars, shall not exceed the average rate of two annas per mensem from the proprietor, or (in the absence of the proprietor) from the principal occupier of each shop or habitation.

Limitation of the amount to be collected monthly, for the payment of the chokeedars.

VII. The magistrates of the cities and zillah stations aforesaid, will continue to exercise a discretion in exempting the inhabitants of any mohullah, from the maintenance of chokeedars, in which either from their poverty or from the scanty population of the mohullah, it may not appear necessary to entertain such establishments.

Discretionary power vested in the Magistrates.

VIII. On the 1st April 1817, the several magistrates of the cities and zillahs, and joint magistrates of the stations described in Section III, will proceed to carry into effect the provisions of this Regulation in the manner directed following.

The provisions of this Regulation when, and in what manner to be carried into effect.

IX. The several magistrates and joint magistrates aforesaid will nominate and appoint five respectable inhabitants (being substantial householders) of each mohullah of the city, or other convenient division of the town, who shall constitute a punchaite, for the purpose of regulating and of annually re-

Magistrates to appoint a punchaite for the purposes herein specified.

-vising,

vising, and amending the rates of assessment to be levied from the inhabitants for the maintenance of their respective chokeedars, as well as for nominating and appointing such chokeedars, subject to the approval of the magistrate or joint magistrate; but it is hereby declared, that the persons composing the pupchaite, shall not be required to realize such assessments or to perform any duties, which may not be expressly specified in this Regulation.

Punchaite to receive a sunnud of appointment.

X. The punchaite so constituted, shall receive a sunnud of appointment, under the official seal and signature of the magistrate, or joint magistrate, with a specification of the duties to be performed by them, according to the form and tenor prescribed in the Appendix (A) to this Regulation.

Magistrates to revise, amend, and finally determine the rates of assessment.

XI. On receipt of the list of persons assessed, which may be furnished by the punchaite as required by the sunnud, the magistrate or joint magistrate will revise, amend, and finally adjust the rates of assessment under the limitations prescribed, in such manner as may appear just and proper, on consideration of any complaints of inequality of assessment, or representations of inability to pay the amount assessed, which may be preferred under the Section following,—provided always that the total amount assessed shall suffice to maintain the number of chokeedars the magistrate or joint magistrate may deem requisite, for the protection of the inhabitants, under the limitation specified in Section IV, of this Regulation.

Persons deeming themselves disproportionably assessed, or aggrieved, how to proceed.

XII. *First.* Any individual who may consider himself aggrieved by the assessment which may be fixed by the punchaite; or who shall be altogether unable to pay the lowest rate of monthly contribution, shall be at liberty to appeal to the magistrate or joint magistrate, by a petition to be presented on stampt paper, setting forth the grounds of dissatisfaction or alledged grievance; and on the

the party making oath to the truth of the circumstances therein stated, the magistrate or joint magistrate, after such enquiry as he may deem necessary, will either amend the rate of assessment, or grant such other relief as may appear just and proper, and his decision on all such petitions shall be final.

Second. The magistrates and joint magistrates are empowered to receive on unstampt paper, petitions, which may be preferred to them under the preceding clause, by persons who may make oath to their inability to pay the stampt duty; notwithstanding any thing contained in Section XIX, Regulation XXVIII, 1814.

In what cases magistrates may receive petitions, on unstampt paper.

XIII. When the rates of assessment shall have been finally adjusted, in the manner directed in the preceding Sections, a fair copy thereof, with a notification prefixed according to the form and tenor prescribed in the Appendix (B), and written in the language and character most commonly understood, shall be affixed for general information, in some conspicuous and frequented place in the mohullah, or division of the town, to which the assessments may apply; a second copy shall be affixed in the same manner at the police thannah, and a third shall be deposited in the office of the magistrate, or joint magistrate.

Publication to be made, of the rates of assessment, and names of persons assessed.

XIV. *First.* A revised and corrected list of names, with amended rates of assessment, regulated on principle prescribed in the sunnud of the punchaite (Appendix A,) with a notification prefixed according to the form prescribed in the Appendix (B), shall be annually prepared, and published for general information, in the manner above directed.

Revised and amended rates of assessment to be annually published.

Second. The magistrates and joint magistrates alluded to in Section III, of this Regulation, are hereby declared competent to cause the assessments to be revised and amended by the punchaite,

Magistrate and joint magistrate empowered in certain cases to cause the rates to be altered and amended during the year.

punchaite, at any period during the year, whenever that measure may be necessary, in order to supply any deficiency that may eventually arise in the amount of the funds for the payment of the stipends of the chokeedars; but on all such occasions they will address a written order to the punchaite, attested by their official seal and signature, specifying the amount of the deficiency, required to be supplied by an amended assessment, and requiring a return to be made of such amended rates, according to the form subjoined to the sunnud, in the Appendix (A), within a stated and reasonable period.

A bukshee to be appointed for the realization of the assessments and other duties herein specified.

XV. For the purpose of realizing the amount of the assessments, for keeping with regularity and accuracy, the records appertaining to the subsidiary police establishments, and for the payment of the monthly wages of the police chokeedars, entertained under this Regulation, an intelligent and respectable native, duly qualified, shall be selected and appointed by the magistrate or joint magistrate, who shall be denominated the sudder chokeedaree bukshee, and who shall receive such fixed monthly salary and allowance for the provision of stationery and materials for keeping the prescribed records, as may be determined by the Governor General in Council. In making this selection, it shall be the duty of the magistrate, or joint magistrate, to consult as far as practicable, the wishes of the most respectable inhabitants of the town.

Bukshee to be sworn to the faithful discharge of his duties, and any interference of police darogahs or others prohibited.

XVI. *First.* The bukshies who may be appointed under the preceding Section, shall be exclusively employed in the duties prescribed by this Regulation, to the faithful discharge of which they shall be sworn; and the magistrates and joint magistrates are strictly enjoined not to allow any police darogah, or other public officer, subject to their authority, or any other individual whatsoever, to interfere in any manner with the bukshee, in the discharge of the duties specified following.

Second.

Second. The bukshee shall prepare from the lists specified in Section X, a general register in a book, to be signed and paged by the magistrate, or by his assistant, or by the joint magistrate, containing the names of all persons assessed, the amount payable monthly by each person, and the names and number of chokeedars, entertained in each mohullah, according to the form (C) in the Appendix.

Specification of the duties of the bukshee.

Third. On the 1st of each Bengal or Fussily month, the bukshee shall proceed to collect in person, if practicable, or otherwise with the aid of the chokeedars, the quotas payable by each assessed individual within the limits of the city, or town, being the station of the magistrate or joint magistrate.

Fourth. For all sums so paid, the bukshee shall sign any receipt or acknowledgement, which may be correctly prepared and presented to him for that purpose, at the time of payment, by individuals assessed, who may be able to write; or should the person assessed be unable to write, the bukshee shall grant a receipt.

Fifth. On the tenth of each Bengal or Fussily month, the bukshee will deliver to the magistrate or joint magistrate in one list, a statement shewing the names of any defaulters, the mohullah in which they may reside and the amount due from each, according to the form (D) in the Appendix, and upon receipt of which, the magistrate or joint magistrate will proceed as hereafter directed.

Sixth. The whole of the chokeedaree stipends, which may be realized by the bukshee, shall be immediately deposited by him, in the treasury of the magistrate, and for which the receipt of the treasurer shall be taken by the bukshee.

Seventh. On the last day of each Bengal or Fussily month, the bukshee and police darogah jointly shall cause the attendance of the police

police chokeedars at the cutcherry of the magistrate or joint magistrate, where they shall be paid their monthly wages in presence either of the magistrate or of his assistant, or of the joint magistrate; the receipt of each chokeedar being taken for the same in such form as may be convenient.

Eighth. The bukshee will likewise prepare any summons, or process to be issued against defaulters, he shall keep a regular and correct account of all sales, which may be made by him, under the authority of the magistrate or joint magistrate, for the realization of arrears, according to such form as shall be prescribed by the magistrate or joint magistrate, and he shall perform any other duties which the magistrate or joint magistrate may direct, connected with the general management of this branch of the police establishments.

The magistrate how to proceed, to realize arrears due from defaulters.

XVII. On receipt of the lists of defaulters specified in Clause 4th of the preceding Section, the magistrate or joint magistrate will issue a summons against such defaulters, to be written on the reverse side of the said list, requiring the immediate appearance of the persons therein named at his cutcherry, and will either himself, or by means of his assistant, examine into the merits of the case, and should the party alledge that payment has been made, the magistrate, or his assistant, or the joint magistrate shall require the production of the voucher, specified in Clause 3rd, Section XV, or will make such further enquiry as he may deem proper; and in the event of it appearing from such investigation, that any arrear is due, the magistrate or joint magistrate will issue a written order to the bukshee to levy the same by process of distress and sale of such part of the personal property of the defaulter as may suffice to make good the amount, and all orders so passed by a magistrate or joint magistrate shall be final.

Police darogah to aid the Bukshee if requisite in distrefs and sale.

XVIII. It shall be the duty of the police darogah to render the

the bukshee any aid he may require, in the execution of the above duty; but all sales which may become necessary under the preceding Section, shall be made in the most public manner practicable; and shall be previously notified by beat of drum in the mohullah, and any overplus which may arise after payment of the arrear due, shall be restored to the party, or should the arrear be discharged at any time previously to such sale, the distress shall be immediately withdrawn and the property restored to the owner.

Complaints preferred against a bukshee how disposed of, and penalties to which the bukshee will be liable on proof of the offences herein noticed.

XIX. Any complaints which may be preferred on oath against a bukshee, appointed under this Regulation, for undue exaction, malversation, or other misconduct in the discharge of the duties prescribed by this Regulation, shall be cognizable by the magistrate or joint magistrate only, and on proof of any such offence to the satisfaction of the magistrate or joint magistrate, the bukshee shall be liable to dismissal from his office, and to imprisonment in the criminal jail for a period not exceeding six months; and shall like-wise be required to refund to the party aggrieved any money corruptly or unduly exacted, or received, or to restore any effects, or the value thereof, which may have been illegally sold, or distrained; or in default thereof, he shall be further imprisoned until the amount be paid, provided that the total period of imprisonment shall not in any case exceed one year, or should the act with which a bukshee may be charged be of a nature to render it proper that he be committed to take his trial, before the Court of Circuit, the magistrate or joint magistrate will of course proceed against him in conformity with the provisions of the general Regulations.

Persons preferring unfounded or vexatious charges, how punishable.

XX. Whenever any charge which may be preferred against a bukshee, for any unauthorized act, alledged to have been done by him in the discharge of his duties, shall upon investigation prove manifestly unfounded, exaggerated, or vexatious, the party-

preferring

preferring the same shall be sentenced to punishment by fine or imprisonment, not exceeding the limitations specified in Section X, Regulation IX, 1793, and Section V, Regulation VII, 1811.

Provision against any member or members of punchaite, refusing the office.

XXI. In the event of any individual who may be appointed by a magistrate or joint magistrate, a member of a punchaite, declining without reasonable or sufficient grounds, to undertake the office, as prescribed by this Regulation, he shall either find a substitute to be approved by the magistrate or joint magistrate, or shall be subject to the payment of a penalty not exceeding fifty rupees, to be regulated at the discretion of the magistrate or joint magistrate, with reference to the circumstances of the individuals, and which shall be levied by the usual process of distress and sale of property. Or in the event of the persons who may be nominated and appointed by the magistrate or joint magistrate to constitute the punchaite, in any instance failing or objecting to perform the duties required of them, the magistrate or joint magistrate will proceed to regulate the assessments, and to appoint the requisite number of chokeedars by means of the bukshee and the darogah of police; but this discretion shall not be exercised, except in cases of indispensable necessity, to provide for the objects in view; and any such interposition of the authority of the magistrate or joint magistrate shall be withdrawn, whenever the inhabitants of the mohullah, or other division of a town, shall petition to be allowed to form the assessments and to appoint chokeedars in the manner otherwise provided for by this Regulation.

Specification of the duties of chokeedars appointed under this Regulation.

XXII. It shall be the duty of the chokeedars who may be appointed under this Regulation, constantly to watch over and protect the safety of the persons, and the property of the inhabitants of their respective mohullahs, or divisions to which they may belong; to apprehend and immediately to convey to the cotwal, or darogah of police, to whose authority they may be subject, any person or persons who may be taken in the act of committing murder, robbery,

robbery, house-breaking, or theft; or in the actual commission of any breach of the peace, or against whom a hue and cry shall have been raised. It shall also be their special duty to convey to the cotwal or darogah immediate intelligence of the resort of any receivers of stolen goods, or of any robbers or other persons of notorious or suspected bad livelihood, within the limits of their respective divisions; but they shall not interfere in cases of petty assault, abuse, adultery, or abortion; nor shall any person be arrested by a police chokeedar, except in cases herein specified, unless under the special warrant of the magistrate, or of the cotwal or darogah of police to whose authority they may be subject.

Chokeedars not removable without the sanction of the magistrate, and how punishable for neglect, or misconduct, or other offence.

XXIII. Chokeedars who may be appointed under this Regulation, shall not be removed without the sanction of the magistrate, or joint magistrate, and any chokeedar who may be proved guilty of neglect or misconduct in the discharge of his duties, or who may be convicted of connivance at the commission of any robbery or other heinous offence, shall be dismissed by the magistrate or joint magistrate from his situation, and shall be further punishable as the law directs.

Annual statements to be furnished by the magistrates.

XXIV. The several zillah and city magistrates and the joint magistrates adverted to in Section III, of this Regulation, will cause to be annually prepared by the bukshee a complete statement according to the form in the Appendix (C) of all subsidiary police establishments, which may be entertained on the principle of the provisions of this Regulation, within the limits of their respective jurisdictions; and will transmit the same in the month of January in each year, through the office of the superintendent of police, for the consideration of the Governor General in Council.

APPENDIX.

APPENDIX.

FORM OF SUNNUD (A)

WHEREAS you (names of persons) inhabitants of (name of mohullah of city or town) are hereby constituted and appointed a punchaite, to regulate and fix the rates of assessment to be levied monthly from the several householders of the said (mohullah or town) for the payment of the chokeedars entertained for their protection; and to nominate and appoint such chokeedars, under the provisions following :

Article 1st. You are to regulate and determine the rates of assessment to be levied from the proprietor, or principal occupier, of each shop or habitation, within the limits of the aforesaid (mohullah or town) for the payment of the wages of the chokeedars. You are to regulate the amount payable by each individual, as equitably as may be practicable, with reference to the known or apparent condition and circumstances, and the value of property to be protected of each person assessed—Provided that no individual (whatever be his means or condition in life,) be subjected to a higher rate of assessment, than one rupee, nor to a lower rate than one anna per mensem—And provided likewise, that the aggregate amount assessed, shall not exceed the average of two annas per mensem, upon each shop or occupied habitation, or the total sum of six rupees and four annas, for every fifty shops or occupied habitations.

Article 2d. In the event of any proprietor or principal occupier of any shop, or habitation in the said mohullah, being in circumstances so indigent as to be manifestly unable to pay the monthly contribution of one anna, such person shall altogether be exempt from assessment.

Article 3d. The total amount to be assessed by you, in the entire

entire mohullah, shall be sufficient to provide for the maintenance of (number) chokeedars at the monthly wages of (amount).

Article 4th. When you shall have regulated the assessment on the principles above specified, you are to deliver to the magistrate a list, at the foot of which you shall affix your signature, specifying the names, occupation, and amount of assessment payable by each shopkeeper, or householder assessed, according to the subjoined form.

Article 5th. You are hereafter to nominate and appoint the police chokeedars, who may be entertained, under this Regulation, for the protection of the inhabitants of the aforesaid mohullah—You are to report to the magistrate the names and number of such chokeedars, who are at present appointed under Regulation XIII, 1813; and you are also to report to the magistrate or police darogah of the mohullah, any neglect or misconduct of such chokeedars in the discharge of their duties, or any vacancies that may arise from their absence or other cause.

Article 6th. You are annually or at any period, during the year, when you may be required by the magistrate, to revise and amend the rates of assessment, on the principles above stated.

FORM OF RETURN TO BE MADE BY THE PUNCHAITE.

NAME OF MOHULLAH.

Names of persons assessed.	*Cast or Profession.*	*Amount of Monthly quota.*
Gocul Doss, - -	Merchant, - -	8 Annas,
Name, - - -	Bunneea,	4 do.
Ditto, - - -	Sonar, -	2 do.
Ditto, - - -	Tailee. - -	1 do.

FORM OF NOTIFICATION (B).

Whereas (names of chokeedars to be here specified) have been appointed

appointed chokeedars for the protection of the persons, and property of the inhabitants of (name of mohullah of the city or town), and whereas the under-noticed rates of assessment have been determined by a punchaite, of the said inhabitants, for the payment of the monthly wages of the aforesaid chokeedars; the several persons whose names are subjoined, are hereby required to pay the monthly contributions specified with regularity to the bukshee, who shall be appointed by the magistrate to receive the same, the first payment commencing from the date of this notification, and on or before the 5th day of each succeeding (Bengal or Fussily) month, or in default thereof, any arrear that may be due, will be realized by distraint and sale of the personal effects of the defaulter.

Names.	*Cast or Profession.*	*Amount monthly assessment.*

FORM

FORM OF REGISTER (C)

Name of Mohullah.	*Names of Punchaite.*	*Names of Persons Assessed.*	*Cast or Profession.*	*Monthly rates of Assessment.*	*Total amount of assessment, in each Mohullah.*	*Names of Chokcedars.*	*Amount of their Monthly Wages.*	*Overplus Remaining for contingencies.*	*Remarks, and if no Punchaite appointed, to be noticed here.*

FORM OF STATEMENT (D)

Name of Mohul-lah.	Names of Defaulters.	Cast or Profession.	Amount Assessed.	Amount defalcation on the 5th.	Amount voluntarily paid previously to Sale.	Remarks, shewing when, and in what manner arrear realized, and if by distress and sale, the date and particulars thereof.

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OF THE

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OF

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ALTERATIONS,

ALTERATIONS, MODIFICATIONS, EXTENSIONS, AND RESCISSIONS.

Regulations altered, &c. &c.					*By what Regulations.*		
Year.	*Regulation.*	*Section.*	*Clause.*		*Regulation.*	*Section.*	*Clause.*
1793	IV.	VI.		Extended by -	XIII.	LXXXVI.	
——	IX.	XX.		Further applied	IV.		
——	——	LXII.		Ditto - -			
——	——	——		To what not applicable	XIV.	XII.	*First.*
——	——	LXIII.		Referred to -		VIII.	
——	XIV.			Extended by -	XIII.	XXXIX.	
——	XXXI.	X.	IV. V. VI. VII. VIII. IX. X.	Extended by -		XXVI.	
1795	VI.	——		Extended by -		LXXXIX.	
——	XXXII.	III.		Rescinded by -		II.	
1797	I.	VII. VIII. IX.		Rescinded by -		II.	
——	XVI.	——		Applied by -	XI.	XX.	*Second.*
1798	VI.	——		Rescinded by -	XIII.	II.	
1801	II.	XIV.		Applied by -	XVII.	VII.	*Seventh.*
1805	I.	II.		Extended by -	XIII.	LXXXVI.	
——	III.	VII.					
——	VI.	XX.		Further applied by	IV.		
——	VII.	XXXII.		Ditto - -			
——	——	——		Referred to -	XIV.	VIII.	
——	VIII.	XXIV.		Applied by -	XVII.	VII.	*Seventh.*
——		XXV.	VI.	Extended by -	XIII.	LXXXVI.	
——	XXV.	——		Extended by -		LXXXIX.	
——	XLI.	——		Rescinded by -		II.	
——	XLV.	XLIII.		Ditto -	XXI.	II.	
1804	V.	——		Applied by -	II & V.	III & III.	
1806	XI.	X.		Enforced by -	XIV.	IX.	*Third.*
1807	V.	——		Rescinded by -	XIII.	II.	
——	IX.	XXI.		Enforced by -	XIV.	VII.	
——	XIV.	VI, & VII.		Modified by -	XVII.	VIII.	*First.*
1808	XII.	——		Rescinded by -	III.	II.	
1809	I.	V.		Extended by -	I.	IV.	
——	VI.	——		Rescinded by -	XIII.	II.	

Regulations altered, &c. &c.					By what Regulations.		
Year	Regulation.	Section.	Clause.		Regulation.	Section.	Clause.
1809	VIII.	V.		Applied by -	II & V.	II & III	
——	V.	——		Ditto - -	VII.	IV.	
——	VIII.	——		Rescinded in part by	XVII.	VI.	
1810	IX.	XXXII.		Rescinded by -	XIII.	II.	
——		XXXIII.		Further applied by	X.	VII.	
——	XVI.	II.	*Third.*	Enforced by -	XVII.	XII.	*First.*
——		XI. & XII		Modified by -		VI.	
——	XVIII.	——		Referred to -		XV.	
——	XIX.	——		Partly rescinded by		XVI.	
1811	III.	III.		Modified in part by	XX.	II.	
——	XIV.	II.	*Third & Fourth.*	Referred to -	XIV	XI.	
1812	III.	VI.		Extended by -		IX.	*First.*
——	——	V.	*First.*	Referred to -	XVII.	XI.	*Third.*
——	X.	——		Further applied by	XIII.	LXXII.	
1813	VIII.	——		Applied by -	VII.	IV.	
——	IX.	II.	*Third*	Extended by -	XIV.	XV.	
——	X.	XVII.	*Third. Fourth. Fifth.*	Rescinded by -	XIII.	II.	
——	X.	——		Further applied by		LXXIII.	
——	XIII.	——		From 1st April 1817 rescinded by -	XXII.	II	
1814	II	——		Further applied by	XIII.	XVIII.	
——	——	III.	*Third.*	Extended by -	VIII.	VIII.	
——	III & XVI	——		Rescinded by from 1st April 1817	XXII	II.	
——	XVII.	——		Further applied by	XIII.	LXXIII	
——	XXVII.	——		Extended by -	XV.	III	*Fifth.*
——	——	XXXVII.	*Second.*	Modified by -	VIII.	VII.	
——	——	——	*Third.*	Further applied by		VI.	
——	XXVIII.	XIX.		Ditto - -	IV.	II.	
——	——	——		Referred to -	XXII.	XII.	*Second.*

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	Regulation.	Section.	Clause.
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The operation of such parts of Section III, Regulation III, 1814, as refer to the ships of the United States, suspended during the continuance of the present convention of commerce between Great Britain and those States; Recitation of Art. third of the said convention, &c. - - - -		II.	
Explanation of the above article as prohibitory of American ships from touching at St. Helena, whilst the residence of Napoleon Buonaparte.		III.	
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Districts of Tirhoot, Shahabad, Sarun and Behar.			
Rules for the re-establishment of the office of canoongoe in that part of the Province of Behar, which comprises the above mentioned districts—Reasons of the enactment thereof, - - -	II.	I.	
Number of persons to be appointed to the office, in each Pergunnah of the said districts, - -		II.	
In what manner they are to be selected—In what cases to be removed from office, and by whom, -		III.	
The office declared not to be hereditary—General selection whence to be made, - -		IV.	
Salaries of canoongoes by whom to be fixed—All claims to nankar, &c. barred—Revenue of lands hitherto held in virtue of this office, liable to resumption by Government—This rule to whom applicable,—Reservation to the Governor General in Council, - - -		V.	
Rules inapplicable to claims, to rent free lands, &c. held under grants unconnected with the office of canoongoe, - - -		VI.	
Definition of the duties of canoongoes, - -		VII.	First to Eight.
Such persons prohibited from holding farms, or becoming securities for zemindars, within certain limits, - - - -		VIII.	
On the death &c. of such officer, the records of the office to whom to be made over—Surrender thereof how to be enforced, - - - -		IX.	
Penalties to which persons refusing to surrender the records to the magistrate are subject, -		X.	

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	Regulation.	Section.	Clause.
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In what manner they are to be nominated and removed,		III.	
Office not hereditary—Persons filling it from amongst whom to be selected in general,		IV.	
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The existing settlement of the land revenue thereof, to be continued, till the expiration of the year 1229 Fuslee, in certain cases, - - -	XVI.	II.	
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The settlement of lands held khas how to be formed,		VII.	
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CUTTACK.	Regulation.	Section.	Clause.
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TITLES

OF THE

REGULATIONS

PASSED IN THE YEAR 1817.

REGULATION I.

A REGULATION for extending the authority of the Commissioner in Behar and Benares, to the districts of Ramghur, Bhaugulpore and Purneah.—Passed on the 17th January 1817.

REGULATION II.

A REGULATION for re-establishing the office of Canoongoe in those portions of the districts of Ramghur, Bhaugulpore and Purneah, which are comprised in the province of Behar.—Passed on the 17th January 1817.

REGULATION III.

A REGULATION for diminishing the expense to which parties are liable in original suits or appeals not exceeding sixty-four rupees in value or amount, when tried by the Zillah and City Judges, Registers or Sudder Aumeens; and for modifying and explaining some of the rules contained in Regulation I, 1814, *and in Regulation XXIII,* 1814.—*Passed on the 31st January* 1817.

REGULATION IV.

A REGULATION for annexing to the zillah of Seharunpore, the tract of country called Deyra Doon, formerly composing a part of the territories of the Rajah of Nepaul.—Passed on the 28th February 1817.

REGULATION

REGULATION V.

A REGULATION for declaring the rights of Government and of individuals with respect to hidden treasure; and for prescribing the rules to be observed on discovery of such treasure.—Passed on the 28th February 1817.

REGULATION VI.

A REGULATION to explain the purport and intent of the provision contained in Section II, Regulation XXIV, 1803.—*Passed on the* 11*th of April* 1817.

REGULATION VII.

A REGULATION for modifying that part of Section IV, Regulation XXII, 1816, *which declares that the allowances of chokeedars of Police shall not exceed three rupees per mensem.—Passed on the* 18*th of April* 1817.

REGULATION VIII.

A REGULATION for modifying certain parts of Regulation XVII, 1813.—*Passed on the 2d May* 1817.

REGULATION IX.

A REGULATION for rescinding Regulation V, 1815.—*Passed on the 22d of July* 1817.

REGULATION X.

A REGULATION for the trial of persons charged with the commission of certain heinous offences in Kumaoon and other tracts of territory ceded to the Honorable the East India Company by the Rajah of Nepaul, and subject to the British Government.—Passed on the 22d July 1817.

REGULATION

REGULATION XI.

A REGULATION for modifying certain parts of Regulations XIX and XXXVII, 1793, and Regulations XLI and XLII, 1795.—Passed on the 29th July 1817.

REGULATION XII.

A REGULATION for securing the better administration of the office of Putwaree in the ceded and conquered provinces, the provinces of Behar and Benares, the district of Cuttack, the pergunnah of Puttasporc and its dependencies.—Passed on the 12th August 1817.

REGULATION XIII.

A REGULATION for establishing the office of Canoongoe in the district of Midnapore and in the Mehals, subject to the authority of the Collector of Hidgellee, and for extending to the said District and Mehals, the operation of Regulation XII, 1817.—Passed on the 26th August 1817.

REGULATION XIV.

A REGULATION for amending certain parts of Regulation II, 1812.—Passed on the 9th September 1817.

REGULATION XV.

A REGULATION for imposing a duty on foreign Salt, imported by sea into any port or place within the limits of the territories immediately dependent on the Presidency of Fort William.—Passed on the 9th September 1817.

REGULATION XVI.

A REGULATION for imposing a duty on foreign Opium, imported by sea into any port or place within the limits of the territories immediately

diately dependent on the Presidency of Fort William.—Passed on the 9th September 1817.

REGULATION XVII.

A REGULATION to provide for the more effectual administration of Criminal Justice in certain cases.—Passed on the 16th September 1817.

REGULATION XVIII.

A REGULATION to modify the rules in force which prescribe an oath of office to be taken by certain Native Officers; and to explain and amend other provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts. —Passed on the 16th September 1817.

REGULATION XIX.

A REGULATION for modifying and amending some of the Regulations in force, relative to the administration of Civil Justice, and to the authorized summary process for recovery of arrears of rent.—Passed on the 16th September 1817.

REGULATION XX.

A REGULATION for reducing into one Regulation, with amendments and modifications, the several rules which have been passed for the guidance of Darogahs and other subordinate officers of Police; for modifying the existing rules concerning the resistance or evasion of criminal process, and for requiring further aid to the Police, in certain cases, from proprietors and farmers of land, and their local managers, as well as from the munduls and other heads of villages.—Passed on the 7th October 1817.

REGULATION XXI.

A REGULATION for modifying and explaining certain parts of Regulation IV, 1815.—*Passed on the 28th October* 1817.

REGULATION

REGULATION XXII.

A REGULATION for vesting the Judge and Magistrate of Cuttack with power to remove and to appoint the Native Ministerial Officers on his establishment, without a previous reference to the Provincial Courts of Appeal and Circuit for the Division of Calcutta.—Passed on the 28th October 1817.

REGULATION XXIII.

A REGULATION for modifying certain parts of Regulations XIX and XXXVII, 1793, *and for defining the right of Government to the revenue of lands not included within the boundaries of estates for which a settlement has been made.—Passed on the 28th October* 1817.

REGULATION XXIV.

A REGULATION for modifying the constitution of the commission established in the provinces of Behar and Benares, and in the districts of Ramghur, Bhaugulpore and Purneah; for extending the authority of the said Commission to the districts of Dinagepore and Rungpore; amd for better defining the powers to be exercised in certain cases by a single Member of the Board of Revenue, or Commission vested with the authority of that Board.—Passed on the 9th December 1817.

REGULATION XXV.

A REGULATION for fixing the weight of the pice struck at the Calcutta Mint, and for giving general circulation to pice struck at any of the Mints subordinate to this Presidency.—Passed on the 9th December 1817.

REGULATION XXVI.

A REGULATION for authorizing the circulation of Furruckabad Rupees, coined in the Mints of Calcutta, Furruckabad or Benares, or at any other Mint, established by order of the Governor General in Council.—Passed on the 16th December 1817.

A. D. 1817. REGULATION I.

A REGULATION *for extending the authority of the Commissioner in Behar and Benares, to the districts of Ramghur, Bhaugulpore, and Purneah.*—PASSED *by the Governor General in Council, on the 17th of January 1817; corresponding with the 6th Magh 1223 Bengal era; the 14th Magh 1224 Fusly; the 7th Magh 1224 Willaitee; the 15th Magh 1873 Sumbut; and the 28th Suffer 1232 Hijree.*

Preamble.

WHEREAS it has been deemed advisable to extend the authority of the Commissioner in Behar and Benares to the districts of Ramghur, Bhaugulpore and Purneah, the following rule has been enacted to be in force from the 1st of February 1817; corresponding with the 21st Magh 1223 Bengal era; the 29th Magh 1224 Fusly; the 22d Magh, 1224 Willaitee; the 14th Magh 1873 Sumbut; and the 13th Rubee-ool uwal, 1232, Hijree.

The authority of the Commissioner in Behar and Benares, ex-

II. The general superintendence of the revenues of the districts

tended to the districts of Ramghur, Bhaugulpore and Purneah.

tricts of Ramghur, Bhaugulpore and Purneah, shall be vested in the Commissioner in Behar and Benares, in the same manner as the superintendence of the revenues of the province of Benares, and of the Zillahs of Behar, Shahabad, Sarun and Tirhoot, is now exercised by that officer, under the provisions of Regulation I. 1816.

A. D. 1817. REGULATION II.

A REGULATION *for re-establishing the Office of Canoongoe, in those portions of the districts of Ramghur, Bhaugulpore and Purneah, which are comprised in the province of Behar.*—PASSED *by the Governor General in Council, on the* 17*th January* 1817; *corresponding with the* 6*th Magh* 1223 *Bengal era; the* 14*th Magh* 1224 *Fusly; the* 7*th Magh* 1224 *Willaitee; the* 15*th Magh* 1873 *Sumbut, and the* 28*th Suffer* 1232 *Hijree.*

WHEREAS the office of Canoongoe has already been re-established under the provisions of Regulation II. 1816, in that portion of the Province of Behar, which forms the districts of Shahabad, Tirhoot, Sarun and Behar; and whereas it is expedient to re-establish the said office generally throughout the province of Behar, the following rule has been enacted, to be in force from the 1st of February 1817, corresponding with the 21st Magh 1223 Bengal era; the 29th Magh 1224 Fusly; the Preamble.

22d

22d Magh 1224 Willaitee; the 14th Magh 1873 Sumbut, and the 13th Rubee-ool-uwal 1232 Hijree.

The operation of Regulation II. 1816, extended to parts of the districts of Ramghur, Bhaugulpore and Purneah.

II. The operation of the rules contained in Regulation II. 1816, is hereby extended to the several Pergunnahs of the zillahs of Ramghur, Bhaugulpore and Purneah, which are comprised in the province of Behar, and are usually denominated the Fuslee Mehâls of the zillahs abovementioned.

A. D. 1817. REGULATION III.

A REGULATION *for diminishing the expense to which parties are liable in original suits or appeals not exceeding sixty-four rupees in value or amount, when tried by the zillah and city judges, registers or sudder aumeens; and for modifying and explaining some of the rules contained in Regulation I,* 1814, *and in Regulation XXIII,* 1814.—PASSED *by the Governor General in Council, on the* 31*st of January,* 1817; *corresponding with the* 20*th Maug* 1223 *Bengal era; the* 28*th Maug* 1224 *Fusly; the* 21*st Maug* 1224 *Willaity; the* 13*th Maug* 1873 *Sumbut; and the* 12*th Rubee-ool-uwal* 1232 *Higeree.*

WHEREAS parties in civil suits, not exceeding in value or amount sixty-four rupees, are now liable to disproportionate expense, when such suits are prosecuted in the zillah or city courts, and whereas it is expedient to render the provisions contained in Sections XV, XVI and XVII, Regulation I, 1814, Preamble.

1814, applicable to appeals, exceeding sixty-four rupees in value or amount, when such appeals are referred for trial to the zillah and city registers; and whereas it is expedient to remove certain doubts, which have arisen regarding the construction of the second Clause of Section XLIX, Regulation XXIII, 1814; the following rules have been enacted, to take effect from the 1st of March, 1817, throughout the provinces immediately subject to the presidency of Fort William.

Certain provisions in Regulation XXIII, 1814, declared to extend to all original suits and appeals, which may be instituted in the zillah or city courts, not exceeding in amount the sum of sixty-four rupees.

II. The provisions contained in Clause fourth, Section XXV, in Clause third, Section XXIX, and in Clause first, Section XXXVIII, of Regulation XXIII, 1814, are hereby extended to all original suits or appeals, not exceeding in amount or value the sum of sixty-four rupees, which may be instituted in the zillah or city courts, subsequently to the date fixed for the operation of this Regulation, whether those suits be tried by the zillah or city judges themselves, or be referred for trial to the sudder aumeens or registers.

Sections XV, XVI and XVII, Regulation I, 1814, applicable to appeals before registers, exceeding in value or amount the sum of sixty-four rupees.

III. The rates of stamp duty prescribed for the register's court by Sections XV, XVI, and XVII, Regulation I, 1814, are hereby declared applicable to appeals from the decisions of sudder aumeens, which may be referred for trial to the zillah and city registers, in all cases in which the amount or value originally adjudged against the appellant, shall exceed sixty-four rupees.

Explanation of Section II, and Clause second, Section XLIX, Regulation XXIII, 1814.

IV. Doubts having arisen, whether under the provisions of Section II, and of the second Clause of Section XLIX, Regulation XXIII, 1814, the plaintiffs or appellants in suits depending before the moonsiffs and sudder aumeens, which may be adjusted by razeenamah, are entitled to receive the whole or any portion of the value or amount of the institution fee, in such suit, it is hereby declared, that the plaintiffs or appellants in suits, which may be adjusted by razeenamah, before the moonsiffs and

sudder

sudder aumeens, are not entitled to receive back any part of the value or amount of the fee in question, the whole of which is to be paid to the sudder aumeens or moonsiffs, in conformity with the second Clause of Section XLIX, Regulation XXIII, 1814.

A. D. 1817. REGULATION IV.

A REGULATION *for annexing to the Zillah of Seharunpore, the tract of Country called Deyra Doon, formerly composing a part of the territories of the Rajah of Nepaul,*—PASSED *by the Governor General in Council, on the 28th February 1817; corresponding with the 18th Phaugun 1223 Bengal era; the 26th Phaugun 1224 Fusly; the 19th Phaugun 1224 Willaity; the 12th Phaugun 1873 Sumbut; and the 11th Rubee-us-Sanee 1232 Hijeree.*

Preamble

WHEREAS the tract of country called Deyra Doon, heretofore forming a part of Gurhwal, has been ceded to the Honorable the East India Company, in full Sovereignty by the Rajah of Nepaul, and whereas it has been judged advisable to annex that tract of country to the district of Seharunpore, the following rules have been enacted, to be in force from the period of their promulgation.

II.

The tract of country called Deyra Doon, to be annexed to Seharunpore, and the existing laws and regulations extended to that tract of country.

II. The tract of country called Deyra Doon, heretofore forming a part of Gurhwal, shall be annexed to the district of Seharunpore, and shall be considered subject in all matters of police and criminal jurisdiction to the magistrate of the northern division of Seharunpore; and in all matters of a civil nature to the jurisdiction of the Dewanny Adawlut of that district. The laws and regulations established for the internal administration of the ceded and conquered provinces, are hereby declared to be in full force and effect in the Deyra Doon, subject however to the provisions contained in the following Sections.

Subject to the following provisions.

Civil courts prohibited from taking cognizance of suits, if the cause of action shall have arisen previously to the 15th May, 1803.

III. The courts of civil judicature shall not be deemed competent to take cognizance of civil claims in the Deyra Doon, the cause of action in which may have originated previously to the 15th of May 1803, being a period of twelve years antecedent to the date of the convention, by which that tract of country was surrendered to the British Government.

Criminal Courts prohibited from taking cognizance of offences committed previously to the 15th May, 1815.

IV. *First.* The courts of criminal judicature are hereby prohibited from taking cognizance of any crime or offence, which may have been committed in any part of the Deyra Doon, previously to the 15th of May, 1815, being the date of the convention by which the said tract of country was surrendered to the Honorable the East India Company.

Certain provisions of the regulations in force declared inapplicable to offences committed in the Deyra Doon, between the 15th May 1815, and the promulgation of this Regulation.

Second. No part of the regulations in force, by which the punishment of any offence may be enhanced beyond the punishment prescribed for such offence, according to the existing laws and usages of the territory in question, shall be considered applicable to any crime or offence committed within the Deyra Doon, between the 15th of May 1815, and the period of the promulgation of this Regulation.

Provisions of the Criminal Regulations

Third. In cases however, in which the penalties established by

by the existing Regulations, may appear to be more lenient than those to which the offenders would have been subject under the pre-existing laws and usages of the Doon, such offenders shall nevertheless have the benefit of the provisions now established, supposing the offences to have been committed between the 15th of May 1815, and the period of the promulgation of this Regulation.

which may be favorable to the Prisoner to be applicable to such cases.

V. The Governor General in Council reserves to himself the power of fixing the periods, for which the settlement of the land revenue shall from time to time be formed in the Deyra Doon, according as local circumstances may appear to require, adhering however as nearly as practicable, to the principles established for the settlement generally of the lands in the territories ordinarily denominated the ceded and conquered provinces.

Power reserved to the Governor General in Council of fixing the periods for the formation of the settlement of the land revenue.

A. D. 1817. REGULATION V.

A REGULATION *for declaring the rights of Government and of individuals with respect to hidden treasure; and for prescribing the rules to be observed on discovery of such treasure.*—PASSED *by the Governor General in Council on the* 28*th of February* 1817; *corresponding with the* 18*th Phaugun* 1223 *Bengal era; the* 26*th Phaugun* 1224 *Fusly; the* 19*th Phaugun* 1224 *Willaity; the* 12*th Phaugun* 1873 *Sumbut; and the* 11*th Rubee-us-Sanee* 1232 *Higeree.*

WHEREAS the provisions of the Mahommedan and Hindoo laws respecting the discovery of hidden treasure differ materially; and whereas it is deemed expedient that an uniform principle should be established for the guidance of persons by whom hidden treasure may be discovered, the following provisions are enacted, to be in force as soon as promulgated throughout the Provinces immediately subordinate to the Presidency of Fort William. Preamble.

II.

Hidden treasure under what circumstances and conditions to become the property of the finder.

II. Whenever any hidden treasure, consisting of gold or silver coin, or bullion, or of precious stones, or other valuable property, may be found buried in the earth, or otherwise concealed within any part of the territory subject to this presidency; and after due notification, the owner thereof may not be discoverable; such hidden treasure shall become the property of the person or persons who may have found the same, provided it shall not exceed in amount or value, the sum of one lack of sicca rupees; and provided the finder or finders shall have conformed to the rules prescribed in this Regulation.

The finder how to proceed on the discovery of hidden treasure.

III. Whenever any person may find hidden treasure, of the description stated in the foregoing Section, he shall give immediate notice thereof to the judge of the zillah or city in which the treasure may have been found; and shall at the same time deposit the treasure in the zillah or city court, with an exact inventory thereof.

Duty of the zillah or city judges in such cases.

IV. The zillah or city judge receiving a deposit as above directed, shall return a receipt for the treasure deposited, after causing the same to be carefully compared with the inventory; and shall issue a public notification in the current languages of the country, to be published and affixed in his own cucherry, and in the cucherry of the collector of the district, requiring all persons who may have any claim of right to the treasure in deposit, to attend in person, or by vakeel, and prove their title thereto, within six months from the date of the notice.

Notification to be issued, and period allowed to claimants to bring forward their claims.

Collectors of land revenue to bring forward any claim of right which government may appear to possess to such treasure.

V. It shall be the duty of the collectors of land revenue acting under the instructions of the Board of Commissioners, or the commissioner in Behar and Benares, or the Board of Revenue, to bring forward and to support, in conformity with the foregoing provision, any claim of right which government may appear to possess to such treasure. In the event of any claim of right being pre-

Summary inquiry to be instituted by the

preferred either on the part of individuals or of government, pursuant to the prescribed notification, the judge shall institute a summary inquiry into the claim preferred; and if the title of government or other person so claiming the treasure in deposit, or any part thereof, be clearly established, he shall adjudge the same accordingly; subject to reimbursement of all expense incurred by the finder of the treasure, as well as to such compensation for the discovery of it as may, in each case, appear just and reasonable.

Judges of zillah and city courts.

How judgment to be awarded by the judge.

VI. If no claim of right be preferred either by government or by an individual within the period limited by the notification directed in Section IV, of this Regulation, or if the claim or claims so preferred, shall not on a summary inquiry appear to be well founded; and the amount or value of the hidden treasure found at the same time, or in the same place, shall not exceed one lack of sicca rupees; the zillah or city judge shall adjudge the same to the person or persons who may have discovered the treasure, and deposited it in the zillah or city court, as required by Section II; subject only to the actual expense which may have been incurred in adopting the measures prescribed by this Regulation.

What judgment to be passed by the judge in cases in which no claim shall be preferred either by government or by individuals, and the amount may not exceed one lack of sicca rupees.

VII. If the amount or value of any hidden treasure found at the same time, or in the same place, shall exceed one lack of sicca rupees, and no claim of right thereto be established, judgment shall be given, according to the preceding Section, in favor of the person or persons who may have discovered and deposited the treasure, to the amount of one lack of sicca rupees; and the excess above that sum shall be declared at the disposal of government.

Decision to be passed by the judge in cases in which the amount of treasure shall exceed one lack of sicca rupees, and no claim of right thereto be established.

VIII. If any person discovering hidden treasure of the description specified in Section II, of this Regulation, shall not, within one month

Persons discovering hidden treasure who shall neglect to give due notice within one month, shall be consi-

dered to have forfeited all right and title to the treasure and compensation.

month after finding the same, give notice to the judge of the zillah or city court, in conformity with Section IV, and make the deposit thereby required, he shall be considered to have forfeited all right and title to the treasure; as well as all claim to a reimbursement of expense, compensation or reward, under the provisions of this Regulation; and the treasure so clandestinely with-held from public investigation, shall, on a summary suit by any subsquent claimant of right, and proof of a just title thereto, be adjudged to the legal owner with interest and costs; or if no private claim be established, shall on the application of the vakeel of government, under instructions from the Board of Revenue, or the Board of Commissioners in the western provinces, or the commissioner in Behar and Benares, be liable to confiscation to government.

The summary decisions of the judges of the zillah and city courts shall be open to a summary appeal to the provincial Courts.

IX. The summary decisions of the judges of the zillah or city courts, which may be passed under this Regulation, shall be open to a summary appeal to the provincial courts, under the general rules in force relative to summary appeals.

The decision of two or more judges of the provincial courts on such appeals, to be final.

X. The decisions of two or more judges of the provincial courts, on such appeals, shall be final; unless the court of Sudder Dewanny Adawlut should, on the face of the decree, or on inspection of any documents exhibited with it, see just and sufficient ground for admitting a second summary appeal to that court, in which case only such further appeal may be admitted, and proceeded upon under the general rules in force for summary appeals.

Provision for admitting a second summary appeal before the Sudder Dewanny Adawlut.

A. D. 1817. REGULATION VI.

A REGULATION *to explain the purport and intent of the provision contained in Section II, Regulation XXIV, 1803.*—PASSED *by the Governor General in Council, on the 11th of April 1817, corresponding with the 30th Chyte 1223 Bengal era; the 10th Bysack 1224 Fusly; the 1st Bysack 1224 Willaity; the 10th Bysack 1874 Sumbut; and the 23d Jumadee-ul-Uwal 1232 Higeree.*

Preamble.

WHEREAS doubts have been entertained with regard to the true purport and intent of the provision contained in Section II, Regulation XXIV, 1803, and it is expedient to remove those doubts by a declaratory enactment, the following rules have been passed, to be in force throughout the Provinces in which Regulation XXIV, 1803, has operation.

Explanation of the true purport and intent of Section II, Regulation XXIV, 1803.

II. *First.* It is hereby declared, that the provision contained in Section II, Regulation XXIV, 1803, was not intended to authorize

authorize the Courts of Civil Justice to take cognizance of claims to any pensions of the nature alluded to in that Section, the original title to which had not been previously recognized and confirmed by the Revenue authorities or by Government, to whom the power of investigating and finally deciding on such original titles, is exclusively reserved.

Second. It was only intended by Section II, Regulation XXIV, 1803, that pensions of the nature described in that Section, which had been or might be regularly sanctioned and confirmed by the proper Revenue authorities, or by Government, should not be liable to resumption on the death of the persons authorized to receive them ; but should be regarded as property, descending to the heirs of the present and future receivers, and be liable to be sued for and inherited in the same manner as other property.

A. D. 1817. REGULATION VII.

A REGULATION *for modifying that part of Section IV, Regulation XXII,* 1816, *which declares that the allowances of choukeedars of police shall not exceed three rupees per mensem.*—PASSED *by the Governor General in Council, on the* 18*th of April* 1817, *corresponding with the* 7*th Bysack* 1224 *Bengal era; the* 17*th Bysack* 1224 *Fusly; the* 8*th Bysack* 1224 *Willaity; the* 2*d Bysack* 1874 *Sumbut; and the* 30*th Jumadee-ul-Uwal* 1232 *Higeree.*

Preamble.

WHEREAS the rate of wages to be granted to choukeedars of police entertained under the provisions of Regulation XXII, 1816, has been limited by Section IV, of that Regulation to rupees three per mensem, and whereas it may in some districts be expedient that a higher allowance than that above specified should be granted to such choukeedars, the following rules have been enacted, to be in force from the date of this Regulation throughout the territories immediately dependent on the Presidency of Fort William.

II.

Section IV, Regulation XXII, 1816, modified.

II. *First.* The Governor General in Council is hereby declared competent to authorize the payment to choukeedars of police of a higher allowance than that specified in Section IV, Regulation XXII, 1816, provided that such allowance shall in no instance exceed four rupees per mensem.

Duty of the superintendents of police.

Second. It shall be the duty of the superintendents of police to bring under the notice of Government, all instances in which it may appear expedient, on a consideration of the usual wages of labor or of other special or local circumstances, that the choukeedars entertained under the provisions of Regulation XXII, 1816, should receive a higher allowance than three rupees per mensem.

BENGAL SECRETARIAT LIBRARY

A. D. 1817. REGULATION VIII.

A REGULATION *for modifying certain parts of Regulation XVII.* 1813,—PASSED *by the Governor General in Council on the 2d May* 1817, *corresponding with the* 21*st Bysaak* 1224 *Bengal era; the* 1*st Jeyte* 1224 *Fusly, the* 22*d Bysaak* 1224 *Willaity; the* 1*st Jeyte* 1874 *Sumbut; and the* 14*th Jumadee-us-Sanee* 1232 *Higeree.*

Preamble.

WHEREAS by Section VII, Regulation XVII, 1813, the general controul over the proceedings of all commissions constituted under the provisions of Section VI, of that Regulation is vested in the Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners and the Board of Trade respectively (according as the person accused may be under one or other of those authorities); and whereas by Sections XIII, and XIV, of the Regulation aforesaid, it is provided that the Commissioner or Commissioners so appointed shall transmit to one or other of the said authorities, as the case may be, the whole of the proceedings held and documents received, together with a summary of the pleading and evidence, and his or their opinion on the case, and that the Sudder Dewanny Adawlut or the Board to which

which the case may belong, shall submit the whole of the proceedings and documents received by them to the Governor General in Council, with their opinion whether any and what facts, charged against the party, appear to have been established; and whereas, on some occasions, an adherence to the above form of proceeding may be productive of serious delay in the final determination of the case, and of consequent distress to the accused party, as well as of inconvenience to the public service; the following rules have been enacted, in modification of the provisions above mentioned, and of such part of Section XV, of the Regulation aforesaid, as refers to the said provisions.

The control over the proceedings of the Commission appointed under Regulation XVII, 1813, by whom to be exercised.

II. Whenever a special commission shall be appointed under the provisions of Regulation XVII, 1813, for the investigation of charges exhibited against a public officer, the Governor General in Council will determine whether the commission, so appointed, shall be placed under the controul of any of the authorities above specified in the manner prescribed in Sections VII, XIII, and XIV, of the Regulation aforesaid, or shall act immediately under the authority of Government, and all commissions, appointed as aforesaid, shall be guided by the instructions which they may receive in this behalf from the Governor General in Council.

The commission when instructed to act immediately under the authority of Government shall submit their proceedings directly to the Governor General in Council.

III. When the commission shall be instructed to act immediately under the authority of Government, it shall submit directly to the Governor General in Council, (without the intervention of any of the authorities above specified,) the proceedings held, and documents received on the occasion, accompanied by translations of papers not in the English language, together with a summary of the pleadings and evidence, and their opinion on the merits of the case, in like manner as they are now required to submit the same to the Sudder Dewanny Adawlut, and the Board of Revenue, Board of Commissioners, and Board of Trade respectively, and the Gover-

nor

nor General in Council, after receiving the report and proceedings submitted by the Commissioners, will proceed in the case, in the same manner as if the said proceedings and report had been submitted by the Sudder Dewanny Adawlut, or one of the said Boards: Provided however, that if, in any case, on consideration of the proceedings and report of the Commissioners, it shall appear to the Governor General in Council necessary, that further evidence be taken, or that a further explanation be given by the Commissioners, of their sentiments on any point connected with the case investigated by them, it shall be competent to the Governor General in Council to direct the Commissioners accordingly, and the Commissioners shall be authorized and required to take such further evidence, as far as the same may be attainable, and to furnish such further explanation as may be required.

And to apply to Government for any instructions which they may require.

IV. When a commission may be instructed as aforesaid to act under the immediate authority of Government, such commission shall apply to Government for any instructions which they may require in the execution of the duty entrusted to them, for which provision may not have been expressly made by Regulation XVII, 1813, or any other Regulation; and the Governor General in Council will pass such orders on the subject, as may appear consonant to the general principles of equity and most conducive to the purposes of substantial justice. And in any case in which any doubt or difficulty may arise in the conduct of the investigation, for which it may appear advisable to make provision by a general regulation, the Commissioners shall be competent to prepare the draft of a regulation for the purpose, and to submit it to the Governor General in Council for his consideration and orders.

Upon questions regarding the intent and meaning of any Regulations, the Commissioners to address themselves to the

V. Provided however, that in any case wherein the Commissioners shall entertain doubts of the intent and meaning of any provisions

Court of Sudder Dewanny Adawlut, and to be guided by their determination.

provisions of the Regulations which are or may be in force, they shall submit the point to the Court of Sudder Dewanny Adawlut for their consideration, and shall be guided by the determination passed by that Court.

The commission in no case to consist of less than two persons, one of whom to be selected from among the officers in the Judicial Department.

VI. Provided further, that whenever Government shall determine, that the commission to be appointed under the provisions of the Regulation above-mentioned, shall not be placed under the controul of the Sudder Dewanny Adawlut, the Board of Revenue, the Board of Commissioners, or the Board of Trade, such commission shall, in no case, consist of less than two persons, one of whom at least shall, in all practicable cases, be selected from among the officers in the Judicial Department of the service.

A. D. 1817. REGULATION IX.

A REGULATION *for rescinding Regulation V.* 1815. —PASSED *by the Vice-President in Council on the 22d of July* 1817, *corresponding with the 8th Sawun* 1224 *Bengal era; the 24th Sawun* 1224 *Fusly; the 9th Sawun* 1224 *Willaity; the 9th Sawun* 1874 *Sumbut; and the 7th Rumzaun* 1232 *Higeree.*

Preamble.

THE objects contemplated by Government in enacting Regulation V, 1815, having been successfully accomplished, by the restoration of public order and tranquillity in pergunnah Bogree, in zillah Midnapore, and by the apprehension and conviction on trial by the Court of Circuit and Nizamut Adawlut of the criminals, principally concerned in resisting the authority of Government, and in the commission of acts of violence and outrage, the necessity which existed for suspending the operation of the general Regulations within the limits of that Pergunnah, no longer exists; the Vice President in Council has accordingly been pleased to enact the following rule, to take effect from the date of this Regulation.

Regulation V, 1815, rescinded.

II. Regulation V, 1815, is hereby rescinded.

A. D. 1817. REGULATION X.

A REGULATION *for the trial of persons charged with the commission of certain heinous offences in Kumaoon and other tracts of territory ceded to the Honorable the East India Company by the Rajah of Nepaul, and subject to the British Government,*—PASSED *by the Vice President in Council on the 22d July* 1817; *corresponding with the 8th Sawun* 1224 *Bengal era; the 24th Sawun* 1224 *Fusly; the 9th Sawun* 1224 *Willaity; the 9th Sawun* 1874 *Sumbut; and the 7th Ramzaun* 1232 *Higeree.*

Preamble.

OF the territories ceded to the British Government by the Rajah of Nepaul, under the Treaty of Peace concluded on the 2d day of December 1815, many portions have been since restored to the Native chiefs, to whose authority they were formerly subject, or have been transferred to the independent authority of other Native chieftains or powers. The portions of territory ceded by the Rajah of Nepaul, which have been retained under the authority and dominion of the British Government, are as follow:

Vizt.

1st, The tract of country called Deyra Doon, heretofore forming a part of Gurhwal.

2d,

2nd, The Province of Kumaoon.

3d, Jounsar, Bawur, Poondur and Sundokh, and other small tracts of country situated between the rivers Jumna and Sutlege. By the provisions of Regulation IV, 1817, the tract of country denominated Deyra Doon, has been formally annexed to the district of Scharunpore, and the laws and regulations in force in the latter district, have, with certain exceptions, been extended to the Deyra Doon: local circumstances however have rendered it inexpedient that a similar arrangement should at present be adopted in the province of Kumaoon, or in the reserved tracts of country situated between the rivers Jumna and Sutlege. The administration of the police, and of civil and criminal justice with the management of the revenues, as well in Kumaoon, as in the several places last mentioned, is conducted by British officers, under instructions issued for their guidance by the Governor General in Council. Embarrassment however having been experienced in the several places above-mentioned, from the want of a suitable tribunal for the trial of prisoners charged with offences of a heinous nature, the Vice-President in Council, with a view to provide for the due and deliberate investigation of charges of that nature, has been pleased to enact the following rules, to be in force from the period of their promulgation.

The British officers in charge of Kumaoon and other tracts of country ceded by the Rajah of Nepaul, not to award punishment against offenders charged with certain crimes of a heinous nature.

II. The British officers who now are, or hereafter may be invested with the charge and superintendence of the police, and with the administration of criminal justice in the Province of Kumaoon, or in the several reserved tracts of territory situated between the rivers Jumna and Sutlege, are hereby prohibited from awarding punishment against any persons charged before them with having been concerned, either as principals, or as accomplices, in the commission of the following offences, viz. murder or any species of homicide, not manifestly accidental or justifiable;

fiable; robbery by open violence, as defined in Section III, Regulation LIII, 1803; violent affrays attended with serious casualties or circumstances of aggravation; treason, or rebellion against the State.

Such offenders how to be proceeded against.

III. If any person, subject to the jurisdiction of the British officers above alluded to, whether from local residence, or from the perpetration of a criminal act within the limits of the British territory under their respective superintendence, shall, on due and careful investigation, appear to have been concerned either as a principal or as an accomplice in the commission of any of the crimes above-mentioned, such person shall be kept in close custody, and shall be committed to take his trial before a commissioner, to be nominated and appointed for that purpose by the Governor General in Council.

Commissioner to be appointed by Government.

IV. It shall be the duty of the local officer, immediately on making the commitment, to report the circumstance to the Governor General in Council, who will take the necessary measures for nominating an experienced judicial officer as commissioner to hold trials of this nature, at such time and place as may appear proper, in each instance, or at such stated periods as may be found convenient.

Powers vested in the Commissioner.

V. In the conduct of the trial, the commissioner will exercise the same powers as are vested in Judges of Circuit, and will be guided by the spirit and principles of the Regulations in force in the Ceded and Conquered Provinces; provided however, that it shall not be necessary that any law officer should attend the trial, or that any futwa should be required in such cases.

Commissioner authorized to release the prisoner if not convicted.

VI. If the commissioner should be of opinion that the crime charged against the Prisoner is not established by the evidence, he shall issue his warrant for the release of the Prisoner.

VII.

Commissioner to refer the case to the Court of Nizamut Adawlut, if the charge be proved.

VII. If the Commissioner shall consider the crime charged against the prisoner to be established, he shall either refer the case for the final sentence of the Court of Nizamut Adawlut, or, if the case be within the competence of Judges of Circuit, under the regulations, in force in the Ceded and Conquered Provinces, he shall issue his warrant for the punishment of the criminal.

With a report and the proceedings on the case.

VIII. If the case shall be referred to the Nizamut Adawlut, it shall be the duty of the Commissioner to forward to that court, a full report of the case, together with his own proceedings, and those of the officer by whom the commitment may have been made.

Court of Nizamut Adawlut to pass their final sentence.

IX. On receipt of the proceedings, the Court of Nizamut Adawlut will, without requiring any futwa from their law officers, pass such sentence or order as, on due consideration, they may deem proper and consistent with the spirit and principles of the regulations in force in the Ceded and Conquered Provinces.

Sentence how to be carried into effect.

X. The sentence of the Nizamut Adawlut, whether for the release or punishment of the prisoners, shall be issued through the channel of the commissioner who may have held the trial, and shall be duly enforced by the local British officer by whom the commitment may have been made, or who may at the time be entrusted with the management of the local police.

In what cases the local officers may take cognizance of crimes committed within the territories of independent states or chieftains.

XI. *First.* Whenever a Native subject of the British Government, charged with having been concerned in the commission of a criminal offence within the territories of any independent state, or chieftain, situated in the vicinity of Kumaoon, or of the reserved tracts of country between the Jumna and Sutlege rivers, shall be apprehended by, or shall be delivered up to, the British Officers invested with the charge of the police in those places respectively; the officers in question shall be deemed competent to investigate the charge, and to release or punish the

the accused under the general powers vested in them by the Governor General in Council.

Second. Provided however, that if the charge shall be of the nature of any of those described in Section II, of this Regulation, the local officers shall proceed in the manner directed in Sections III, and IV, of this Regulation, and the commissioner who may be appointed to hold the trial, as well as the Court of Nizamut Adawlut, shall in such cases be guided by the provisions of Sections V, VI, VII, VIII, IX, and X of this Regulation.

The rules contained in certain Sections of this Regulation to be considered applicable to such cases.

XII. It shall not be competent to the local officers intrusted with the administration of criminal justice in Kumaoon, and in the several reserved tracts of territory situated between the rivers Jumna and Sutlege, or to any commissioners who may be appointed under this Regulation, or to the Nizamut Adawlut, to take cognizance of any crime or offence which may have been committed in any part of the tracts of country above adverted to, previously to the 15th May 1815, being the date of the Convention by which they were surrendered to the Honorable the East India Company.

Crimes committed previously to the 15th May 1815, not cognizable by the British officers.

XIII. No part of the Regulations in force in the Ceded and Conquered Provinces, by which the punishment of the crimes specified in Section II, of this Regulation, may be enhanced beyond the punishment ordinarily inflicted for such crimes, according to the former laws and usages in force in those tracts of country, shall be considered applicable to persons convicted of having committed those crimes previously to the promulgation of this Regulation.

Sentence how to be regulated with regard to offences committed between the 15th May 1815 and the period of the promulgation of this Regulation.

XIV. In cases however in which the penalties established by the Regulations in force in the Ceded and Conquered Provinces, for

The preceding note likewise applicable to this Section.

for murder or other species of homicide; robbery by open violence; violent affrays attended with serious casualties or circumstances of aggravation, or for treason and rebellion against the State, may appear to be more lenient than those to which the offenders would have been subjected under the pre-existing laws and usages of Kumaoon, and of the reserved tracts of territory situated between the rivers Jumna and Sutlege, such offenders shall nevertheless have the benefit of the provisions now established, supposing the offences to have been committed between the 15th May 1815, and the period of the promulgation of this Regulation.

A. D. 1817. REGULATION XI.

A REGULATION *for modifying certain parts of Regulations* XIX, *and* XXXVII, 1793; *and Regulations* XLI, *and* XLII, 1795—PASSED *by the Vice President in Council, on the 29th July* 1817; *corresponding with the* 15*th Sawun* 1224 *Bengal era; the* 1*st Sawun* 1224 *Fussily; the* 16*th Sawun* 1224 *Willaity; the* 1*st Sawun* 1874 *Sumbut; and the* 14*th Shabun* 1232 *Higeree.*

Preamble.

WHEREAS under the rules contained in Regulations XIX, and XXXVII, 1793, and Regulations XLI, and XLII, 1795, the claims of Government to resume the revenue of lands held free of assessment, under illegal or invalid tenures, are only cognizable in the Courts of Judicature, and great delays have occurred in the decision of suits, brought by collectors for the recovery of the public dues, from such lands;—and whereas the provision contained in Sections III, IV, V, VI, VII, VIII, and IX, Regulation VIII, 1811, and the corresponding Sections of Regulation V, 1813, by which the decision of such cases, in the Ceded and Conquered Provinces, is, in the first instance, vested with the Revenue authorities, have been found productive of great advantage, both in facilitating the assertion of the just rights of Government in cases in which the public revenue has been

been unjustly withheld, and in relieving individuals holding lands free of assessment, by valid titles, from the disquiet of litigation;—and whereas it appears advisable to extend the said provisions to the several districts, placed under the authority of the commissioner in Behar and Benares;—the following rules have therefore been enacted, to be in force from the date of their enactment, within the Provinces of Behar and Benares, and in the districts of Bhaugulpore and Purneah.

Parts of the existing Regulations applicable to the provinces of Behar and Benares, and to the districts of Bhaugulpore and Purneah rescinded; and certain provisions extended to those Provinces and districts.

II. Sections XII, XIII, XIV, XVI, and XIX, Regulation XIX, and Sections VII, VIII, IX, XI, and XIV, Regulation XXXVII, 1793, in as far as they are applicable to the Province of Behar, and the districts of Bhaugulpore and Purneah; and Sections XII, XIII, XIV, XVI, and XIX, Regulation XLI, and Sections VII, VIII, IX, XI, and XIV, Regulation XLII, 1795, are hereby rescinded; and the provisions contained in Sections III, IV, V, VI, VII, VIII, and IX, Regulation V, 1813, are hereby extended to the Provinces of Behar and Benares, and the districts of Bhaugulpore and Purneah.

What powers and duties are to be exercised by the commissioner in Behar and Benares.

III. The powers and duties vested by the provisions of the said Regulation in the Board of Revenue, shall of course be held and exercised by the commissioner in Behar and Benares, or other officer exercising the powers of the Board of Revenue in the provinces and districts above-mentioned.

Certain suits preferred by the collectors in the provinces of Behar and Benares under the rules in force, to be withdrawn, and the investigation of them to proceed de novo.

IV. All suits which may have been preferred by the collectors in the provinces of Behar and Benares, and in the districts of Bhaugulpore and Purneah, for the resumption of the public revenue, under the provisions of Regulations XIX, and XXXVII, 1793, and Regulations XLI, and XLII, 1795, shall be withdrawn; and the revenue authorities shall proceed to the investigation and decision of the several cases, in the same manner and with the same powers, as if no suit had ever been preferred.

A. D. 1817. REGULATION XII.

.....	The whole Regulation, so far as it applies to Assam, is repealed.	Act XII of 1891

A REGULATION *for securing the better administration of the Office of Putwarry in the Ceded and Conquered Provinces, the Provinces of Behar and Benares, the District of Cuttack, the Pergunnah of Puttaspore and its Dependencies.*—PASSED *by the Vice-President in Council, on the* 12*th August* 1817; *corresponding with the* 29*th Sawun* 1224 *Bengal era; the* 15*th Sawun* 1224 *Fusly; the* 30*th Sawun* 1224 *Willaitee; the* 15*th Sawun* 1874 *Sumbut; and the* 28*th Ramzan* 1232 *Higeree.*

THE existing regulations regarding putwarries, have been found to be in many respects defective, and great difficulties and delays have consequently been experienced in the division of estates, the adjustment of the revenue to be assessed on their respective shares, the investigation of summary and other suits for rents, the decision of disputes relating to the limits of estates, and villages, and the execution of decrees of the Courts of Judicature, in regard to the possession and property of land; the reform of the office appears therefore to be an object of the highest importance; but as for the full attainment of that object, the establishment of purgunnah canoongoes is also requisite, it is deemed advisable to confine the operation of the rules Preamble.

to

to be enacted for the above purpose, to those parts of the Country in which canoongoes are already established, or in which arrangements are in progress for the revival and organization of that office.—The following rules have therefore been enacted, to be in force from the date of their promulgation, throughout the Ceded and Conquered Provinces, the provinces of Behar and Benares, the district of Cuttack, the pergunnah of Puttaspore, and the several pergunnahs dependent on it.

Such of the Regulations in force, as relate to the appointment of Putwarries in certain divisions of the country, rescinded.

II. Section LXII. Regulation VIII, 1793, Section III, Regulation IV, 1794, Section IX, Regulation XXVII, 1795, and Regulation XXIX, 1803, and such parts of Clause IV, Section XXIII, Regulation VII, 1799, Section XXV, Regulation V, 1800, Section VIII, Regulation I, 1801, as refer to the appointment of putwarries, are hereby rescinded in so far as regards the abovementioned divisions of the country.

Every village to have a separate putwarry, unless where otherwise directed by the Superintending Revenue Authorities.

III. Every village paying or liable to pay the public revenue, shall have a separate putwarry, except in cases where the Board of Revenue or other authority exercising the power of that Board shall, in consideration of former usage or other sufficient cause, authorize one putwarry to do the duty of two or more villages, or direct two or more putwarries to be established in a single village.

Putwarries now in office to be continued in their situations, subject to removal under the rules prescribed by this Regulation.

Zemindars within a limited period to furnish the collectors with the names of villages and of the putwarries attached to them.

IV. All persons at present holding the office of putwarry, are to be continued in their situations, subject to removal under the rules hereinafter prescribed: And all zemindars or other proprietors of any village or villages, paying revenue to Government, or farmers engaging with Government for the public revenue, shall, within three months from the promulgation of this Regulation, transmit to the collector of the district, a statement shewing the name or names of such village and villages, with the name or names of the putwarry or putwarries of such village or villages.

V.

V. In like manner where any village or villages paying revenue to Government, shall at present have no putwarry established therein, the zemindar or other landholder or farmer of such village or villages, engaging with Government for the public revenue, shall proceed to nominate a putwarry or putwarries for such village or villages, and shall report such nomination to the collector of the district within three months of the promulgation of this regulation.

How zemindars or landholders are to proceed in the nomination of putwarries for villages where none have been established.

VI. The collectors shall, as soon as practicable, prepare a register of the putwarries in their respective districts, shewing the name of each individual, and the village or villages in which he officiates.

Register of putwarries to be prepared by the Collectors.

VII. Whenever a vacancy may occur in the office of putwarry, such vacancy shall be filled on the nomination of the zemindar, or other landholder or farmer, engaging with Government for the public revenue, who is hereby enjoined to report such nomination to the collector of the district, within one month after the vacancy has taken place,—provided however that in such nomination, the zemindar or other landholder or farmer shall be generally guided by the custom which may heretofore have prevailed in the village, in respect to the succession of putwarries, and shall not deviate therefrom, without previously obtaining the sanction of the collector; and it shall be the duty of the collectors carefully to see that this rule is observed, and particularly that the just rights of the inferior putteedars, or sharers in joint undivided estates, and of dependent talookdars, or other under-tenants of the lands, as connected with the appointment of putwarries, are duly maintained.

Vacancies in the office of putwarry to be filled up on the nomination of the zemindar &c.

Which is to be made within one month after the vacancy has taken place.

Rules to be observed by the zemindar, &c. in the nomination of putwarries.

VIII. On receiving the report of the nomination of a putwarry, as directed to be made in the foregoing Section, the collector

How the Collector is to proceed on receiving the nomination of a putwarry.

collector is to insert the name of the party in the register of putwarries for his district, unless he shall see good and sufficient ground to object to the person so nominated as disqualified for the office,—in which case, he is immediately to submit his objections to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, and the Board, or Commissioner, will decide whether the zemindar or farmer shall be called upon to nominate another person, or pass such other order on the question, as may appear just and right.

Rules regarding putwarries in joint and undivided estates.

IX. The proprietors of joint and undivided estates engaging jointly for the public revenue, shall be considered jointly and severally bound to furnish the collector with the statement required in Section IV, and to nominate a putwarry in the mode prescribed in Sections V and VII, of this Regulation, or to shew sufficient cause for their failing to do so.

Rules regarding putwarries in khas estates.

X. In estates held khas, and in estates under the superintendence of the Court of Wards, the putwarry shall be appointed by the collector.

Penalty in cases of refusal or omission to comply with the prescribed rules.

XI. Should any zemindar or other proprietor or farmer, refuse or omit to furnish the statement required by Section IV, or to nominate a putwarry in the cases provided for in Sections V and VII, of this Regulation, within the time prescribed in those Sections, and shall fail to shew good cause for such neglect or failure, it shall be competent to the collector, with the approval of the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, to levy a daily fine upon him, until a putwarry is nominated, or with such approval, himself to nominate a qualified person for the office.

XII. Whenever a zemindar or farmer engaging with Government for the public revenue, may wish to remove a putwarry from office, he is to state his reasons for so doing to the collector of the district, who, if they appear good and sufficient, will authorize the removal of the putwarry, but not otherwise.

Zemindars how to proceed whenever they may wish to remove a putwarry from office.

XIII. Any zemindar or other landholder or farmer of land, removing a putwarry from office, without the authority of the collector, obtained in the mode prescribed in the preceding Section, shall be punished by a fine not exceeding fifty Rupees for the first offence, and one hundred Rupees for the second offence; and if it should appear on investigation by the collector, that the removal was unjust, and without sufficient cause, the said zemindar or other landholder or farmer of land, shall be further subject to a daily fine, with the approbation of the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, but not otherwise, until the putwarry be restored.

Penalties for removing a putwarry from office without authority.

XIV. Whenever the inferior putteedars or sharers, or the ryots or under tenants of a village, may petition the collector for the removal of a putwarry, the collector shall direct such removal, and shall call upon the zemindar or other landholder or farmer of land engaging with Government for the public revenue, to appoint another putwarry, provided the reasons adduced for praying such removal, appear to the collector good and sufficient, but not otherwise.

Putwarries may be removed on sufficient grounds on the representation of the under tenants.

XV. Whenever a collector shall see ground to desire the removal of a putwarry for neglect of duty, or other sufficient cause, he is to state his reasons to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, who will authorize the removal or not, as may seem proper.

Rule of proceeding on occasions when the Collector may desire the removal of a putwarry.

XVI.

Specification of duties to be performed by the putwarries.

XVI. The duties of the putwarry shall be,

1st—To keep such registers and accounts relating to the village or villages to which he is appointed, in such manner and form as has heretofore been the custom, or in such other mode as may be hereafter prescribed by the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, together with such further registers and accounts as may be directed by those authorities respectively.

2d—To prepare and deliver to the canoongoe of the pergunnah, at the expiration of every six months, a complete copy of the aforesaid accounts, shewing distinctly the produce of the Khurreef and Rubbee harvests.

3d—To perform all other duties and services, which it has been customary for him to execute.

The superintending revenue authorities to determine on the mode of transmitting and recording the putwarries' accounts.

XVII. The Board of Revenue, Board of Commissioners, or Commissioner in Behar and Benares, will determine on the mode in which the accounts rendered by the putwarry to the canoongoe, shall be brought forward by the latter; and recorded in the office of the collectors.

Rules for the payment of putwarries, and for the adjustment of their allowances in certain cases.

XVIII. The putwarry is to be paid hereafter in the same mode as he is now paid, whether in money or in grain, or in land, or in any other legal manner whatsoever, but it shall be the duty of the several collectors to complete an account of the mode in which such payment is made, in the different purgunnahs or other local division of their districts, and to submit the result of their researches to the Board of Revenue, or other authority exercising the powers of that Board; and it shall be competent to the Board of Revenue, or other authority aforesaid, with the sanction of the Governor General in Council, to increase or reduce the amount of remuneration paid to the putwarries, and to alter or modify the mode of its payment, in any case in which sufficient cause for the adoption of such a measure shall exist.

XIX.

XIX. Where no putwarry has hitherto been appointed, the amount of the remuneration to the putwarry who may be appointed under this Regulation, and the mode of its payment, shall be regulated by the collector, with reference to the usage of the adjoining villages.

Remuneration to be paid to putwarries in villages where none are now appointed.

XX. If the remuneration which a putwarry has heretofore regularly received, or which may be assigned to him by the collector, or other competent revenue authority, be denied to him by the parties who have hitherto paid it, or who may have been directed to pay it by the said authority, he is at liberty to complain against the person so withholding his dues, to the collector, who will proceed to an immediate investigation of the facts, and decide according to the usage of the village; and the collector is hereby authorized to compel payment of the amount due to the putwarry, and to fine the offending party according to his situation and circumstances in life, provided always that the fine in no instance exceed fifty rupees.

Rule of proceeding in cases where payment of the established remuneration to a putwarry may be refused.

Collector empowered to compel payment and to fine the offending party.

XXI. In all cases in which the decision of the collector is to be governed by usage, it shall be made an invariable rule, to insert in the original proceedings on the case, the attested report of the canoongoes of the pergunnah, as to the custom or usage in reference.

The local usage of the pergunnah to be reported by the pergunnah canoongoe.

XXII. Collectors of land revenue are hereby empowered to summon the putwarry of any village or villages within their respective districts, whenever there may be occasion for his attendance, on any matter connected with the duties of his office, and to require him to produce all accounts relating to the lands, produce, rents, collections and charges of the village or villages, the accounts of which may be kept by him; and to examine him on oath, to the truth of such accounts, and on any other matters relating to such

Collector empowered to summon a putwarry when necessary.

And to examine him on oath to the truth of his accounts.

such accounts, or regarding the lands, produce, rents, collections and charges of the village or villages to which the said putwarry may belong.—When a collector shall require the attendance of a putwarry, for the purpose above stated, he is to serve such putwarry with a written notice under his official seal and signature, stating the purpose for which his attendance is required, and the papers (if any) which he is to bring with him.

Form of the notice to be issued on such occasions.

Powers vested in the collector to compel the putwarries to produce their accounts.

XXIII. If any putwarry shall neglect or omit to produce his original accounts on the requisition of a collector, or to give his evidence respecting them, the collector is hereby authorized and empowered to cause the said putwarry to be apprehended, and to order him to be confined in the dewanny jail of the district until he produce his accounts, or shew sufficient cause for not producing them. In such cases the putwarry shall be sent by the collector with a roobukaree to the judge of the city or zillah, stating the purport of the order passed against him, and the judge shall, on those grounds, commit the putwarry to jail, and detain him until he produce the accounts, or until the collector applies for his release.

Process to be observed on such occasions.

Putwarries to produce their accounts when required by the courts of justice.

XXIV. In like manner, putwarries shall produce all accounts relating to the lands, produce, collections and charges of the village or villages, the accounts of which may be kept by them respectively, and furnish every information and explanation that may be required regarding them, whenever they may be required by any court of justice, in any suit that may be depending before the court; and if any putwarry shall neglect or omit to attend with his accounts, when required, for the adjustment of any matter or dispute depending in court, the courts are authorized to order such putwarry to be committed to close custody until he produce the accounts, or shew sufficient cause for not having produced them.

Penalty in cases where a putwarry may neglect or omit to attend with his accounts.

XXV.

XXV. In any case in which a collector of land revenue shall have occasion to depute an officer to examine the accounts of any village or villages, he is authorized to require the putwarries to attend such officer, and the collector is further empowered to grant to such officer a commission to swear the several putwarries whose accounts are to be inspected, inserting in the commission the name of each putwarry to be sworn; and if any such putwarry shall neglect or refuse to attend such officer with his accounts, or to give his evidence respecting them, when duly required to do so by a written notice from the collector, the collector is hereby authorized and empowered to proceed against such putwarry, in the same mode as if he had refused or neglected to attend, or to give his evidence before the collector himself.

Collectors empowered to require the attendance of putwarries on officers deputed to examine village accounts.

And to grant a commission to swear putwarries.

Penalty in case a putwarry shall neglect or refuse to attend on a deputed officer.

XXVI. Any putwarry giving intentionally and deliberately a false deposition on oath, when examined before a collector, or the officer of a collector duly empowered to take his examination relative to the lands, produce, collections and charges of the village or villages to which he belongs, shall be held and considered guity of perjury, and shall be liable on conviction before a Court of Circuit, to the penalties which are or may be prescribed for that offence in the Regulations; and any person causing or procuring a putwarry to commit the offence of perjury as above described, is hereby declared guilty of subornation of perjury, and punishable under the provisions of the Regulations.

Putwarries giving deliberately a false deposition on oath declared guilty of perjury, and on conviction before a Court of Circuit liable to the prescribed punishment.

And persons causing or procuring a putwarry to commit perjury, declared punishable as suborners of perjury.

XXVII. In like manner, any putwarry who shall alter, fabricate, falsify or mutilate the accounts of the village to which he belongs, or shall furnish to the canoongoe or collector false, fabricated or mutilated copies of those accounts, shall be held and considered guilty of forgery, and shall be liable on conviction before a Court of Circuit to the penalties which are or may be prescribed for that offence in the Regulations; and any person who shall

Putwarries falsifying or mutilating the village accounts, liable to the prescribed punishment of forgery.

cause

cause or procure any such forgery, shall be liable to the same penalties, as those convicted of having actually committed the offence.

Certain rules in the existing Regulations declared still in force unless distinctly rescinded, altered, or modified by this Regulation.

XXVIII. The several rules in the existing Regulations, by which proprietors and farmers of lands sold, or ordered to be sold or divided, or under attachment, are required to attend or cause their officers to attend the collectors, or officers deputed by a collector, with the accounts relating to such lands, and by which such landholders and farmers, and their agents, are declared responsible for the fidelity and accuracy of such accounts, are to be held and considered in full force, unless where they may be distinctly rescinded, altered or modified by this Regulation.

Collectors empowered to require the attendance of all native agents of proprietors whose estates are about to be sold, transferred or divided.

XXIX. In like manner, whenever an estate, or the portion of an estate may be directed to be disposed of at public sale, or may be transferred by the private act of the proprietor or proprietors, or when an estate may be divided pursuant to a decree of a Court of Judicature, or at the request of one or more of the proprietors, or when an estate or portion of an estate may be under attachment, the collector shall be authorized to require the attendance of all descriptions of native agents employed by the proprietors or farmers of such estates or farms, in the management of their lands, or keeping the accounts relating to them, and to examine or cause them to be examined on oath, touching such accounts, in the same manner as he is authorized by Sections XXII, and XXV, of this Regulation, to require the attendance and to take or cause to be taken the examination of putwarries; and if such agents shall refuse or neglect to attend the collector or his officer, when their attendance may be duly required, or to give their evidence, the collector is authorized and empowered to proceed against them in the same manner as is prescribed in the case of putwarries refusing or neglecting to attend.

And may cause them to be examined on oath touching the accounts of those lands.

Penalty if such agents shall refuse or neglect to attend on the collector.

XXX.

XXX. Provided further, that the rules contained in Sections XXVI and XXVII, shall be held and considered applicable to all such native agents employed by proprietors or farmers of land, in the management of their estates or farms, or in keeping the accounts relating to them.

Rules contained in Sections XXVI and XXVII, declared applicable to all such native agents.

XXXI. Whenever a collector of land revenue, or other officer vested with the powers of a collector, may in any case connected with his public duty, but not provided for in this or any other Regulation in force, have occasion to require the attendance of a zemindar or other proprietor or farmer of lands, or of the gomashtah or other officer or agent of such proprietor or farmer, with the accounts of such lands, he shall report the circumstance to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, according as he may be, subject to one or the other of those authorities, and the Boards, and Commissioner aforesaid, are hereby empowered to grant authority to the collector or other officer aforesaid, to require the attendance of the proprietor or farmer, or of the gomashtah or other officer or agent, with all accounts relating to the lands in their possession or management.

How a collector is to proceed in cases not provided for by this Regulation, whenever he may require the attendance of proprietors or farmers with their accounts.

XXXII. A written notice shall in such cases be issued by the collector or other officer, to the party whose attendance is required, stating the purpose for which he is summoned, and the papers (if any) which he is to bring with him; and if the proprietor or farmer shall omit or refuse to attend, or cause his officer or agent to attend by the time prescribde in the collector's requisition, with the accounts and information required, the Board of Revenue, Board of Commissioners, and Commissioner in Behar and Benares, (as the case may be,) are authorized and empowered to impose upon him such daily fine, to be payable daily, until he complies with the collector's requisition, as they may think adequate

Collector how to proceed on such occasions.

Penalty for omitting or refusing to attend when summoned.

quate to his situation and circumstances in life, reporting however the amount for the information of the Governor General in Council. The fine when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue

Under what process such penalty is to be levied.

Provision in cases where the appointment of village putwarries may be considered inexpedient

XXXIII. In cases, in which from local or other sufficient causes, it may appear impracticable or inexpedient to cause the appointment in any estate or farm of putwarries, in the mode prescribed in this Regulation, as for instance in certain estates consisting chiefly of hills and forests in the south western frontier, and in very small mehauls, the accounts of which are kept by the proprietors themselves, it shall be competent to the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares as the case may be, to suspend its operation in such estates, or farms; provided however that in all such cases the person, by whom the village accounts are kept, whether proprietor or farmer, or gomashtah or other officer, shall furnish the canoongoe of the pergunnah with such accounts and statements as the collector, with the approval of the Board, or Commissioner, may direct, and shall be subject to the provisions contained in Sections XXII, XXIII, XXIV, XXV, XXVI, and XXVII, of this Regulation, and the proprietors or others by whom they may be employed, shall likewise be subject to the provisions contained in Sections XXVI, and XXVII.

In what cases the courts of justice are prohibited from taking cognizance of the complaints of putwarries.

XXXIV. No court of judicature shall take cognizance of the complaint of a putwarry, against the landholder, or the tenants of a village, for refusing to remunerate his labours, nor shall any court of judicature take cognizance of any complaint against a collector, for, or on account of, any decision passed by him, in virtue of the powers with which he is vested by this Regulation.

XXXV.

XXXV. It shall be the duty of the collectors, to furnish the Board of Revenue, the Board of Commissioners, or the Commissioner in Behar and Benares, as the case may be, with a periodical report of all judgments passed by them under Section XX, of this Regulation, and such judgments shall be liable to reversal or alteration by the Board, or Commissioner, at any time within six months after the passing the same, but not later.

Collectors to furnish a periodical report of all judgments passed under Section XX, of this Regulation.

Such judgments declared liable to reversal or alteration by the Board or Commissioner within six months.

XXXVI. All sums adjudged by the collector in favor of a putwarry, under Section XX, and all fines directed to be levied by this Regulation, shall be recoverable by the same processes as arrears of the public revenue, and all such fines when recovered, shall be carried to the account of Government.

How sums adjudged and fines levied under the provisions of this Regulation, are to be recovered.

All fines to be credited to Government.

A. D. 1817. REGULATION XIII.

A REGULATION *for establishing the office of Canoongoe in the District of Midnapore, and in the Mehals subject to the authority of the Collector of Hidgellee, and for extending to the said District and Mehals the operation of Regulation* XII, 1817.—PASSED *by the Vice President in Council on the 26th August* 1817; *corresponding with the 12th Bhadon* 1224 *Bengal era; the 29th Sawun* 1224 *Fusily; the 13th Bhadon* 1224 *Willaity; the 15th Sawun* 1874 *Sumbut; and the 12th Sawal* 1232 *Higeree.*

WHEREAS by Regulation V, 1816, provision is made for the establishment of the office of canoongoe in the pergunnah of Puttaspore and its dependencies; and Whereas it has appeared expedient to establish the said office generally throughout the mehals subject to the authority of the collector of Hidgellee, and in the district of Midnapore; and Whereas it is likewise advisable to extend to the said district and mehals the operation of Regulation XII, 1817, the following rules have been enacted, to be in force from the 1st September, 1817. Preamble.

II.

Canoongoes to be appointed in the district of Midnapore, and in the mehals subject to the collector of Hidgellee.

II. Canoongoes shall be appointed in the districts above-mentioned, by the collectors of Hidgellee and Midnapore respectively, in the same manner, and for the performance of the same duties as are prescribed in Regulation V, 1816, in regard to the district of Cuttack, the pergunnah of Puttaspore and its dependencies; and all the rules contained in the Regulation aforesaid, are hereby extended to the district of Midnapore, and to the mehals subject to the Collector of Hidgellee, as far as they may be applicable to those districts.

Provisions of Regulation XII, 1817, extended to Midnapore, and to the mehals subject to the collector of Hidgellee.

III. The provisions of Regulation XII, 1817, are hereby extended to the district of Midnapore, and the mehals subject to the collector of Hidgellee.

A. D. 1817. REGULATION XIV.

A REGULATION *for amending certain parts of Regulation II,* 1812.—PASSED *by the Vice-President in Council on the 9th September* 1817, *corresponding with the 26th Bhadoon* 1224 *Bengal era; the 14th Bhadoon* 1224 *Fussly; the 17th Bhadoon* 1224 *Willaity; the 13th Bhadoon* 1874 *Sumbut; and the 26th Sawul* 1232 *Higeree.*

Preamble.

WHEREAS it has been found that some inaccuracies of calculation exist in the table No. 2 annexed to Regulation II, 1812, by which the produce of gold bullion is calculated in the Calcutta mint; the following rules have been enacted, to be in force from the date of their promulgation.

Such part of Regulation II, 1812, as relates to table No. 2, annexed to that Regulation, rescinded.

II. So much of Regulation II of 1812, as relates to the table of the produce of gold bullion in the Calcutta mint, annexed to that Regulation, is hereby rescinded.

The table of the produce of gold bullion annexed to this Regulation, to be in force in lieu of the table No. 2, alluded to in the preceding Section.

III. Instead of the table referred to in the above Section, the assay produce, duties and net produce of gold bullion delivered for coinage into the Calcutta mint, shall be hereafter calculated agreeably to the table annexed to this Regulation, and the certificates granted by the assay master shall be made out accordingly.

Table

A. D. 1817. REGULATION XIV.

Table of the Produce of Gold Bullion in the Calcutta Mint.

Sicca Weight	Assay per Cent.	Deduction for Worseness	Allowance for the refining charges.	Total Reduction.	Standard Quantity.	Assay produce, Gold Mohurs.	Duty at 2½ per Cent.	Nett produce, Gold Mohurs.
100	¼ Br.	0 756	.....	.....	100 756	94 829	2 371	92 458
—	⅜ Br.	0 630	.....	.....	100 630	94 711	2 368	92 343
—	½ Br.	0 504	.....	.....	100 504	94 592	2 365	92 227
—	⅝ Br.	0 378	.....	.....	100 378	94 473	2 362	92 111
—	¾ Br.	0 252	.....	.....	100 252	94 355	2 359	91 996
—	⅞ Br.	0 126	.....	.....	100 126	94 236	2 356	91 880
—	Standard.	.....	.....	.....	100 0	94 118	2 353	91 765
—	⅛ Wo.	0 126	.....	0 126	99 874	93 999	2 350	91 648
—	¼ Wo.	0 252	0 5	0 752	99 248	93 410	2 335	91 075
—	⅜ Wo.	0 378	0 5	0 878	99 122	93 291	2 332	90 959
—	½ Wo.	0 504	0 5	1 004	98 996	93 173	2 329	90 844
—	⅝ Wo.	0 630	0 5	1 130	98 870	93 054	2 326	90 728
—	¾ Wo.	0 756	0 5	1 256	98 744	92 936	2 323	90 613
—	⅞ Wo.	0 882	0 5	1 382	98 618	92 817	2 320	90 497
—	1 Wo.	1 008	0 5	1 508	98 492	92 698	2 317	90 381
—	1¼ Wo.	1 260	0 5	1 760	98 240	92 461	2 311	90 150
—	1½ Wo.	1 512	0 5	2 012	97 988	92 224	2 306	89 918
—	1¾ Wo	1 764	0 5	2 264	97 736	91 987	2 300	89 687
—	2 Wo.	2 016	0 5	2 516	97 484	91 750	2 294	89 456
—	2¼ Wo.	2 268	0 5	2 768	97 232	91 512	2 288	89 224
—	2½ Wo	2 520	0 5	3 020	96 980	91 275	2 282	88 993
—	2¾ Wo	2 772	0 5	3 272	96 728	91 038	2 276	88 762
—	3 Wo	3 024	0 5	3 524	96 476	90 801	2 270	88 531
—	3¼ Wo.	3 275	0 5	3 775	96 225	90 565	2 264	88 301
—	3½ Wo.	3 526	0 5	4 026	95 974	90 328	2 258	88 070
—	3¾ Wo.	3 778	0 5	4 278	95 722	90 091	2 252	87 839
—	4 Wo.	4 030	0 5	4 530	95 470	89 854	2 246	87 608
—	4¼ Wo.	4 282	0 5	4 782	95 218	89 617	2 240	87 377
—	4½ Wo.	4 534	0 5	5 034	94 966	89 380	2 235	87 145
—	4¾ Wo.	4 786	0 5	5 286	94 714	89 143	2 228	86 915
—	5 Wo.	5 038	0 5	5 538	94 462	88 905	2 223	86 682
—	5¼ Wo.	5 290	1 0	6 290	93 710	88 198	2 205	85 993
—	5½ Wo.	5 541	1 0	6 541	93 459	87 961	2 199	85 762
—	5¾ Wo.	5 793	1 0	6 793	93 207	87 724	2 193	85 531
—	6 Wo.	6 045	1 0	7 045	92 955	87 487	2 187	85 300
—	6¼ Wo.	6 297	1 0	7 297	92 703	87 250	2 181	85 069
—	6½ Wo.	6 549	1 0	7 549	92 451	87 013	2 175	84 838
—	6¾ Wo.	6 801	1 0	7 801	92 199	86 776	2 169	84 607
—	7 Wo.	7 053	1 0	8 053	91 947	86 538	2 163	84 375
—	7¼ Wo.	7 305	1 0	8 305	91 695	86 301	2 158	84 143
—	7½ Wo.	7 557	1 0	8 557	91 443	86 064	2 152	83 912
—	7¾ Wo.	7 809	1 0	8 809	91 191	85 827	2 146	83 681
—	8 Wo.	8 060	1 0	9 060	90 940	85 591	2 140	83 452
—	8¼ Wo.	8 312	1 0	9 312	90 688	85 353	2 134	83 219
—	8½ Wo.	8 564	1 0	9 564	90 436	85 116	2 128	82 988
—	8¾ Wo.	8 816	1 0	9 816	90 184	84 879	2 122	82 757
—	9 Wo.	9 068	1 0	10 068	89 932	84 642	2 116	82 526
—	9¼ Wo.	9 320	1 0	10 320	89 680	84 405	2 110	82 295
—	9½ Wo.	9 572	1 0	10 572	89 428	84 166	2 104	82 064
—	9¾ Wo	9 824	1 0	10 824	89 176	83 930	2 098	81 832
—	10 Wo.	10 075	1 0	11 075	88 925	83 694	2 092	81 602
—	10¼ Wo.	10 327	1 5	11 827	88 173	82 986	2 075	80 911
—	10½ Wo.	10 578	1 5	12 079	87 921	82 749	2 069	80 680
—	10¾ Wo.	10 831	1 5	12 331	87 669	82 512	2 063	80 449
—	11 Wo.	11 085	1 5	12 583	87 417	82 275	2 057	80 216
—	11¼ Wo.	11 335	1 5	12 835	87 165	82 038	2 051	79 987
—	11½ Wo.	11 587	1 5	13 087	86 913	81 800	2 045	79 755
—	11¾ Wo.	11 839	1 5	13 339	86 661	81 563	2 039	79 524
—	12 Wo.	12 091	1 5	13 591	86 409	81 326	2 033	79 293
—	12¼ Wo.	12 342	1 5	13 842	86 158	81 090	2 027	79 063
—	12½ Wo.	12 594	1 5	14 094	85 906	80 853	2 021	78 832

A. D. 1817. REGULATION XIV.

Sicca Weight	Assay per Cent.	Deduction for Worseness	Allowance for the refining charges	Total reduction.	Standard Quantity	Assay produce, Gold Mohurs.	Duty at 2½ per Cent.	Nett produce, Gold Mohurs.
100	12¾ Wo	12 846	1 5	14 346	85 654	80 616	2 015	78 601
—	13 Wo	13 096	1 5	14 596	85 402	80 378	2 009	78 369
—	13¼ Wo	13 350	1 5	14 850	85 150	80 141	2 004	78 137
—	13½ Wo	13 602	1 5	15 102	84 898	79 904	1 998	77 906
—	13¾ Wo	13 854	1 5	15 354	84 646	79 667	1 992	77 675
—	14 Wo.	14 106	1 5	15 606	84 394	79 430	1 986	77 444
—	14¼ Wo	14 358	1 5	15 858	84 142	79 193	1 980	77 213
—	14½ Wo.	14 610	1 5	16 110	83 890	78 955	1 974	76 981
—	14¾ Wo	14 862	1 5	16 362	83 638	78 718	1 968	76 750
—	15 Wo	15 113	1 5	16 613	83 387	78 482	1 962	76 520
—	15¼ Wo	15 365	2 0	17 365	82 635	77 774	1 944	75 830
—	15½ Wo.	15 617	2 0	17 617	82 383	77 537	1 938	75 599
—	15¾ Wo.	15 869	2 0	17 869	82 131	77 300	1 933	75 367
—	16 Wo	16 121	2 0	18 121	81 879	77 063	1 927	75 136
—	16¼ Wo.	16 373	2 0	18 373	81 627	76 826	1 921	74 905
—	16½ Wo	16 625	2 0	18 625	81 375	76 588	1 915	74 673
—	16¾ Wo	16 876	2 0	18 876	81 124	76 352	1 909	74 443
—	17 Wo	17 128	2 0	19 128	80 872	76 115	1 903	74 212
—	17¼ Wo.	17 380	2 0	19 380	80 620	75 878	1 897	73 981
—	17½ Wo	17 632	2 0	19 632	80 368	75 640	1 891	73 749
—	17¾ Wo	17 884	2 0	19 884	80 116	75 403	1 885	73 518
—	18 Wo	18 136	2 0	20 136	79 864	75 166	1 879	73 287
—	18¼ Wo	18 388	2 0	20 388	79 612	74 929	1 873	73 056
—	18½ Wo	18 640	2 0	20 640	79 360	74 692	1 867	72 825
—	18¾ Wo.	18 892	2 0	20 892	79 108	74 455	1 861	72 594
—	19 Wo.	19 144	2 0	21 144	78 856	74 218	1 855	72 363
—	19¼ Wo	19 395	2 0	21 395	78 605	73 981	1 849	72 132
—	19½ Wo	19 647	2 0	21 647	78 353	73 744	1 844	71 900
—	19¾ Wo.	19 899	2 0	21 899	78 101	73 507	1 838	71 669
—	20 Wo	20 151	2 0	22 151	77 849	73 270	1 832	71 438
—	20¼ Wo.	20 403	2 5	22 903	77 097	72 562	1 814	70 748
—	20½ Wo.	20 655	2 5	23 155	76 845	72 325	1 808	70 517
—	20¾ Wo.	20 907	2 5	23 407	76 593	72 088	1 802	70 286
—	21 Wo.	21 159	2 5	23 659	76 341	71 850	1 796	70 054
—	21¼ Wo	21 410	2 5	23 910	76 090	71 614	1 790	69 824
—	21½ Wo.	21 662	2 5	24 162	75 838	71 377	1 784	69 593
—	21¾ Wo	21 914	2 5	24 414	75 586	71 140	1 778	69 362
—	22 Wo.	22 166	2 5	24 666	75 334	70 903	1 772	69 131
—	22¼ Wo.	22 418	2 5	24 918	75 082	70 665	1 767	68 898
—	22½ Wo.	22 670	2 5	25 170	74 836	70 428	1 761	68 667
—	22¾ Wo.	22 922	2 5	25 422	74 578	70 191	1 755	68 436
—	23 Wo.	23 174	2 5	25 674	74 326	69 954	1 749	68 205
—	23¼ Wo.	23 426	2 5	25 926	74 074	69 717	1 743	67 974
—	23½ Wo.	23 678	2 5	26 178	73 822	69 480	1 737	67 743
—	23¾ Wo	23 929	2 5	26 429	73 571	69 243	1 731	67 512
—	24 Wo.	24 181	2 5	26 681	73 319	69 006	1 725	67 281
—	24¼ Wo.	24 433	2 5	26 933	73 067	68 769	1 719	67 050
—	24½ Wo.	24 685	2 5	27 185	72 815	68 532	1 713	66 819
—	24¾ Wo.	24 937	2 5	27 437	72 563	68 295	1 707	66 588
—	25 Wo.	25 189	2 5	27 689	72 311	68 057	1 701	66 356
—	25¼ Wo	25 441	3 0	28 441	71 559	67 3[illegible]	1 684	65 666
—	25½ Wo.	25 693	3 0	28 693	71 307	67 112	1 678	65 434
—	25¾ Wo.	25 945	3 0	28 945	71 055	66 876	1 672	65 204
—	26 Wo.	26 196	3 0	29 196	70 804	66 639	1 666	64 973
—	26¼ Wo.	26 448	3 0	29 448	70 552	66 402	1 660	64 742
—	26½ Wo	26 700	3 0	29 700	70 300	66 165	1 654	64 511
—	26¾ Wo	26 952	3 0	29 952	70 048	65 928	1 648	64 280
—	27 Wo	27 204	3 0	30 204	69 796	65 691	1 642	64 048
—	27¼ Wo	27 456	3 0	30 456	69 544	65 453	1 636	63 817
—	27½ Wo.	27 708	3 0	30 708	69 292	65 216	1 630	63 586
—	27¾ Wo	27 960	3 0	30 960	69 040	64 979	1 624	63 355
—	28 Wo.	28 212	3 0	31 212	68 788	64 742	1 618	63 124
—	28¼ Wo.	28 463	3 0	31 163	68 537	64 505	1 613	62 892

Sicca Weight	Assay per Cent.		Deduction for Worseness		Allowance for the refining Charges		Total reduction.		Standard Quantity		Assay produce, Gold Mohurs.		Duty at 2½ per Cent.		Nett produce, Gold Mohurs.	
100	28½	Wo.	28	715	3	0	31	715	68	285	64	268	1	607	62	661
—	28¾	Wo.	28	967	3	0	31	967	68	033	64	031	1	601	62	430
—	29	Wo.	29	219	3	0	32	219	67	781	63	794	1	595	62	199
—	29¼	Wo	29	471	3	0	32	471	67	529	63	557	1	589	61	968
—	29½	Wo.	29	723	3	0	32	723	67	277	63	320	1	583	61	737
—	29¾	Wo.	29	975	3	0	32	975	67	025	63	082	1	577	61	505
—	30	Wo.	30	227	3	0	33	227	66	773	62	845	1	571	61	274
—	30¼	Wo.	30	479	3	5	33	979	66	021	62	137	1	553	60	584
—	30½	Wo.	30	730	3	5	34	230	65	770	61	901	1	547	60	354
—	30¾	Wo.	30	982	3	5	34	482	65	518	61	664	1	542	60	122
—	31	Wo.	31	234	3	5	34	734	65	266	61	427	1	536	59	891
—	31¼	Wo.	31	486	3	5	34	986	65	014	61	190	1	530	59	660
—	31½	Wo.	31	738	3	5	35	238	64	762	60	952	1	524	59	428
—	31¾	Wo.	31	990	3	5	35	490	64	510	60	715	1	518	59	197
—	32	Wo.	32	242	3	5	35	742	64	258	60	478	1	512	58	966
—	32¼	Wo.	32	494	3	5	35	994	64	006	60	241	1	506	58	735
—	32½	Wo	32	746	3	5	36	246	63	754	60	004	1	500	58	504
—	32¾	Wo.	32	997	3	5	36	497	63	503	59	768	1	494	58	274
—	33	Wo.	33	249	3	5	36	749	63	251	59	530	1	488	58	042
—	33¼	Wo.	33	501	3	5	37	001	62	999	59	293	1	482	57	811
—	33½	Wo.	33	753	3	5	37	253	62	747	59	056	1	476	57	580
—	33¾	Wo.	34	005	3	5	37	505	62	495	58	819	1	470	57	349
—	34	Wo.	34	257	3	5	37	757	62	243	58	582	1	464	57	118
—	34¼	Wo.	34	509	3	5	38	009	61	991	58	344	1	459	56	885
—	34½	Wo.	34	761	3	5	38	261	61	739	58	107	1	453	56	654
—	34¾	Wo.	35	013	3	5	38	513	61	487	57	870	1	447	56	423
—	35	Wo.	35	264	3	5	38	764	61	236	57	634	1	441	56	193

A. D. 1817. REGULATION XV.

A REGULATION *for imposing a duty on foreign Salt imported by sea into any port or place within the limits of the territories immediately dependent on the Presidency of Fort William.*—PASSED *by the Vice President in Council on the 9th September* 1817, *corresponding with the 26th Bhadoon* 1224 *Bengal era; the 14th Bhadoon* 1224 *Fusly; the 17th Bhadoon* 1224 *Willaity; the 18th Bhadoon* 1874 *Sumbut; and the 26th Sawal* 1232 *Higeree.*

WHEREAS it has been deemed expedient, with a view to the improvement and security of the public revenue, to impose a duty on foreign salt imported by sea into any port or place within the territories immediately dependent on the presidency of Fort William, the Vice President in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force throughout the aforesaid territories from the period of their promulgation. Preamble.

II.

Foreign salt when imported by sea into any port or place within the limits of the territories dependent on the presidency of Fort William, subject to a duty of three sicca rupees per maund.

II. Foreign salt, that is to say salt made out of the limits of the territories immediately dependent on the presidency of Fort William, shall on importation by sea, into any port or place within the limits of the said territories, be subject to a duty at the rate of sicca rupees three per maund of forty seers, each seer weighing eighty-two sicca weight.

Mode of levying the duty abovementioned.

III. The aforesaid duty shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government customs on goods or merchandize imported by sea, subject however to the provision contained in the following Section; and any salt imported or landed in breach of the said rules and provisions, shall be forfeited, two-third parts thereof to the said United Company, and one-third part to the person or persons, who shall seize, inform, or sue for the same, and shall and may be seized as forfeited by the collector or any of the officers of the custom house or customs, or by any of the officers of Government serving in the salt department, to be by them conveyed and deposited in one of the said United Company's golahs or warehouses, or other secure place.

Salt liable to forfeiture on breach of the rules contained in this Regulation.

Option granted to proprietors to lodge their salt in the Company's golahs or warehouse, instead of landing it at the custom house, and without payment of the prescribed duty in the first instance.

IV. The proprietor or proprietors of salt imported as aforesaid, may, if he or they be so disposed, instead of landing the salt so imported at the custom house and paying the duty due and payable thereon, in the manner prescribed generally for the payment of the duties denominated Government customs on goods or merchandize imported by sea, deliver it on shore at the Company's golahs or warehouse, or such other secure place as shall be approved by the Governor General in Council, and secure and lodge it therein without payment of duty in the first instance; provided however that salt so warehoused, shall not be removed until the duty imposed by this Regulation shall be duly paid.

But such salt not to be removed, until the duty shall be duly paid.

V.

V. The importers, proprietors or consignees of salt which shall have been lodged or secured as aforesaid, shall within twelve calendar months, to be computed from the date of the production of the manifest at the custom house, clear and take from and out of such warehouses or places all such salt, and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors or consignees shall fail or neglect so to do, it shall be lawful for the Governor General in Council, or such officer as may be duly empowered by him in this behalf, to cause all such salt to be publicly sold or exposed to sale, and after such sale, the produce thereof shall first be applied to the payment of the duty imposed by this Regulation, and the overplus if any, shall be paid to the proprietor or other persons authorized to receive the same; provided that no such salt shall be sold unless a price can be obtained for the same equal at least to the full amount of the duty aforesaid, but if such price cannot be obtained, then all such salt shall be effectually destroyed by and in the presence of such officer as the Governor General shall appoint.

Salt lodged or secured as abovementioned, to be cleared and taken away within twelve months on payment of the full duty imposed by this Regulation.

On failure, the salt liable to be sold.

And the produce how to be disposed of.

Proviso.

Salt liable to be destroyed.

A. D. 1817. REGULATION XVI.

A REGULATION *for imposing a duty on foreign Opium imported by sea into any port or place within the limits of the territories immediately dependent on the presidency of Fort William.*—PASSED *by the Vice-President in Council on the 9th September* 1817; *corresponding with the 26th Bhadoon* 1224 *Bengal era; the 14th Bhadoon* 1224 *Fussily; the 17th Bhadoon* 1224 *Willaity; the 13th Bhadoon* 1874 *Sumbut; and the 26th Sawul* 1232 *Higeree.*

Preamble.

WHEREAS it has been deemed expedient, with a view to the improvement and security of the public revenue, to impose a duty on foreign opium imported by sea into any port or place within the territories immediately dependent on the presidency of Fort William, the Vice-President in Council, with the sanction of the Court of Directors of the United Company of Merchants of England trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force throughout the aforesaid territories from the period of their promulgation.

Foreign Opium when

II. Foreign opium, that is to say opium made out of the limits

imported by sea into any port or place within the limits of the territories dependent on the presidency of Fort William, subject to a duty of twenty-four sa. rs. per seer.

limits of the territories immediately dependent on the presidency of Fort William, shall on importation by sea into any port or place within the limits of the said territories, be subject to a duty at the rate of sicca rupees twenty-four per seer of eighty Calcutta sicca weight.

Mode of levying the duty abovementioned.

III. The aforesaid duty shall be paid and levied under the same rules and provisions, as are applicable generally to the payment and collection of the duties denominated Government customs on goods or merchandize imported by sea, subject however to the provision contained in the following Section, and any opium imported or landed in breach of the said rules and provisions, shall be forfeited, two-third parts to the said United Company, and one-third part to the person or persons who shall seize, inform or sue for the same, and shall and may be seized as forfeited by the collector or any of the officers of the custom house or customs, or by any of the officers of Government serving in the opium or salt department, to be by them conveyed and deposited in one of the said United Company's warehouses or other secure place.

Opium liable to forfeiture on breach of the rules contained in this Regulation.

Option granted to proprietors to lodge their opium in the Company's warehouse, instead of landing it at the custom house, and without payment of the prescribed duty in the first instance.

IV. The proprietor or proprietors of opium imported as aforesaid may, if he or they be so disposed, instead of landing the opium so imported at the custom house and paying the duty, due and payable thereon, in the manner prescribed generally for the payment of the duties denominated Government customs on goods or merchandize imported by sea, deliver it on shore at the Company's warehouses, or such other warehouse as shall be approved by the Governor General in Council, and secure and lodge it therein without payment of duty in the first instance; provided however that opium so warehoused, shall not be removed until the duty imposed by this Regulation shall be duly paid.

But such opium not to be removed, until the duty shall be duly paid.

Opium lodged or secured as abovemen-

V. The importers, proprietors or consignees of opium, which shall

shall have been lodged or secured as aforesaid, shall within twelve calendar months, to be computed from the date of the production of the manifest at the custom house, clear and take from and out of such warehouses or places, all such opium and shall pay the full duty imposed by this Regulation; and in case any such importers, proprietors or consignees, shall fail or neglect so to do, it shall be lawful for the Governor General in Council or such officer as may be duly empowered by him in this behalf, to cause all such opium to be publicly sold or exposed to sale, and after such sale, the produce thereof shall first be applied to the payment of the duty imposed by this Regulation, and the overplus, if any, shall be paid to the proprietor or other persons authorized to receive the same; provided that no such opium shall be sold, unless a price can be obtained for the same, equal at least to the full amount of the duty aforesaid, but if such price cannot be obtained, then all such opium shall be effectually destroyed by and in the presence of such officer as the Governor General shall appoint.

tioned, to be cleared and taken away within twelve months, on payment of the full duty imposed by this Regulation.

On failure, the opium liable to be sold,

and the produce how to be disposed of.

Proviso.

Opium liable to be destroyed.

SECRETARY LIBRARY

A. D. 1817. REGULATION XVII.

A REGULATION *to provide for the more effectual administration of Criminal Justice in certain cases:—* PASSED *by the Vice-President in Council on the* 16*th September* 1817; *corresponding with the* 2*d Assin* 1224 *Bengal era; the* 21*st Bhadoon* 1224 *Fusly; the* 3*d Assin* 1224 *Willaity; the* 6*th Bhadoon* 1874 *Sumbut; and the* 4*th Ze-Kaedda* 1232 *Higeree.*

Preamble.

THE Regulations in force for the conduct of criminal trials before the Courts of Circuit, (with the exception of special cases, in which the attendance and futwa of the Mahomedan law officers are dispensed with), require that the cauzy or moofty be present at the whole of the trial, and on the close of it, write, at the end of the record, a futwa or declaration of the Moosulman law, as applicable to the circumstances of the case. The judges of the Courts of Circuit are further directed to refer to the cauzy or moofty, all questions on points of law, that may arise during the course of any trial, and respecting which no specific rules shall have been enacted. In several cases such rules have been prescribed with a view to supply ascertained defects in the Mahomedan law; and in all cases, not provided for, wherein the judges

judges of Circuit, presiding at criminal trials, may see cause to disapprove the futwa of the law officers, as appearing contrary to the evidence, or to the principles of justice, they are instructed not to pass any sentence; but, after completing the trial, to transmit the whole of the proceedings, with the futwa of the law officer, and a letter stating the grounds of their disapproval, for the sentence of the Nizamut Adawlut. On such reference a further futwa is taken from the law officers of the Nizamut Adawlut, and the final sentence is then passed by that Court But the existing Regulations contain no provision for enabling the judges of the Nizamut Adawlut to pass a sentence of punishment, when the futwa of the law officers may not convict the prisoner of the fact or facts charged against him; nor declare him liable, on strong presumption, to discretionary punishment. At the same time the Mahomedan law of evidence in some cases (especially in those of *Zina*, including adultery, rape and incest,) is such as to render a legal conviction almost impossible; and the law officers of the Nizamut Adawlut have declared the insufficiency of presumptive evidence, to warrant the infliction of punishment in such cases. Conviction of the prevalent crime of perjury has also been found difficult, under the Mahomedan law of evidence, as applied to the proof of this offence; and its exceptions to the competency or credit of witnesses are in some instances, inconsistent with the ends of public justice. It is therefore necessary to provide for the more effectual administration of criminal justice in the cases referred to; and some of the existing rules in other cases, connected with the subject, also require explanation and amendment. The following rules have accordingly been enacted, to be in force from the time of their promulgation in all the provinces immediately subject to the Presidency of Fort William.

Judge of Circuit how to proceed, when a person

II. Whenever a person charged with a criminal offence, and brought to trial before a Court of Circuit, shall be acquitted of the

the charge, by the futwa of the Mahomedan law officer present at the trial, and the judge before whom the trial may be held, on full consideration of the evidence, and of all the circumstances of the case, shall be of opinion that the proof against the prisoner, whether founded on his free and voluntary confession, or on the testimony of credible witnesses, or on circumstances of strong presumption, is sufficient to convict the prisoner of the whole, or any part of the charge, so as to render him a proper object of punishment, the judge shall not pass any sentence; but, as directed by the existing Regulations, in all cases wherein a judge of circuit sitting on a criminal trial may disapprove the futwa of the law officer, shall transmit, without delay, the whole of the proceedings on the commitment and trial, with the futwa of the law officer, to the Court of Nizamut Adawlut; and shall state in a letter to that court, the specific crime or crimes, which the judge may consider to be established against the prisoner.

brought to trial before him may be acquitted by the futwa of the law officer, and the judge of circuit shall be of opinion that the proof against the prisoner is sufficient to convict him of the whole or part, of the charge, so as to render him a proper object of punishment.

III. On receipt of the proceedings upon trials referred to the Nizamut Adawlut, in pursuance of the foregoing Section, the Mahomedan law officers of that Court shall write their futwa thereupon, as in other trials referred under the general Regulations.

Law Officers of the Nizamut Adawlut to write their futwa upon trials referred to that Court under the foregoing Section, as in other referred trials.

IV. In such cases, as well as in all trials referred to the Nizamut Adawlut, when the futwa of one or more of the law officers of that Court may acquit a prisoner of the whole, or any part of the charge preferred against him, and two or more judges of that Court, on a deliberate consideration of the evidence and circumstances of the case, shall concur in opinion, that the proof against the prisoner so acquitted, whether founded on his free and voluntary confession, or on the testimony of credible witnesses, or on circumstances of strong presumption, is sufficient to convict him of the whole, or any part of the charge, and that he is in every respect a proper object of punishment, the judges so concurring in opinion

Power vested in two or more judges of the Nizamut Adawlut to pass sentence of conviction and punishment, in certain cases, notwithstanding a futwa of acquittal by the law officers of that Court.

opinion, are hereby declared competent to convict and pass sentence of punishment upon the prisoner, according to the nature and degree of his offence, and the provisions applicable thereto in the laws and regulations in force; in like manner as if he had been declared convicted by the futwa of the law officers.

Courts of Circuit how to proceed when the evidence of witnesses may on insufficient grounds be considered by the law officers to be inadmissible.

V. If the evidence of a witness on a criminal trial, before a Court of Circuit, be declared by the Mahomedan law officer inadmissible, on the ground of the witness being a police officer, or an officer of Government of any description; or on any other ground of exception in the Mahomedan rules of evidence, which may appear to the judge of circuit unreasonable and insufficient; the judge shall cause the examination of the witness to be taken, notwithstanding the exception stated by the law officer; and shall require the latter, on completion of the trial, to declare in his futwa the sentence to which the prisoner would have been liable, if the evidence of the witness or witnesses, objected to, had been admissible under the provisions of the Mahomedan law. In such cases however, if the conviction of the prisoner depend exclusively or principally upon the evidence of the witness or witnesses objected to by the law officer, the judge of circuit shall not pass any sentence; but shall refer the trial to the Nizamut Adawlut; which Court, after taking a futwa from its law officer, is empowered to pass such sentence as may be deemed just and proper, under the preceding Section of this Regulation, and the general Regulations in force.

Rule for law officers of the Courts of Circuit, in delivering their futwas on charges of adultery, rape, and other offences within the provisions of the Mahommedan law for cases of *Zinâ*, and *Fiâl-i-shuneea*.

VI. *First.* In trials before the courts of circuit for adultery, rape, or any other offence, within the provisions of the Mahommedan law for cases of *Zinâ*, and *Fiâl-i-shuneea*, the futwa of the law officer of the court of circuit, before whom the trial may be held, shall declare only, whether the prisoner is legally convicted; or if not, whether there be strong ground of presumption, arising

arising from his free confession, or from credible testimony, or from circumstantial evidence, that he is guilty of the crime charged against him.

Second. If the futwa so given, shall declare the prisoner legally convicted, or that there is strong presumption of his guilt, and the judge of Circuit, before whom the trial may be held, shall concur in the conviction of the prisoner, or in the presumption of his guilt, so as to render him a proper object of punishment, and the circumstances of the case shall not appear to call for a more severe punishment than what the courts of circuit are authorized to adjudge, under the seventh clause of Section II, Regulation, LIII, 1803, the judge shall sentence the prisoner to suffer such punishment as may be deemed adequate to his guilt, and the nature of the offence, not exceeding corporal punishment of thirty-nine stripes, and imprisonment with hard labor for the term of seven years.

Sentence to be passed by the judge of Circuit, if the prisoner be convicted, or the futwa declare that there is strong presumption of his guilt, and the judge shall concur.

Third. If the prisoner be convicted, or presumed guilty, of the heinous crime of rape, the judge of Circuit shall not pass any sentence; but shall refer the trial to the Court of Nizamut Adawlut, for the sentence of that Court, under the general regulations in force.

Judge of Circuit how to proceed, if the prisoner be convicted or presumed guilty of the crime of rape.

Fourth. In cases of adultery, it shall be requisite for the conviction and punishment of a married woman, that she be prosecuted by her husband; and no other person shall be deemed competent to prosecute, or prefer the charge against her, in such cases.

What person competent to prefer, and prosecute, a charge of adultery against a married woman.

VII. A doubt having been entertained whether the provisions contained in Section III, Regulation IV, 1797, and the second clause of Section XV, Regulation VII, 1803, relative to culpable homicide,

Explanation of Section III, Regulation IV, 1797, and second clause of Section XV, Regulation VII, 1803, in cases

of culpable homicide, not amounting to wilful murder.

homicide, not amounting to wilful murder, empower the Courts of circuit to commute the *deyut*, or fine of blood, prescribed by the Mahomedan law in such cases, to any period of temporary imprisonment, or whether the discretion of the Courts of Circuit, in the cases referred to, is limited by the general rule contained in the seventh clause of Section II, Regulation LIII, 1803, which restricts the Courts of Circuit, in cases not specifically provided for, from passing a final sentence exceeding corporal punishment of thirty-nine stripes, and imprisonment with hard labor, for the term of seven years; it is hereby explained that the above restriction is applicable to all cases of commutation for *deyut*, on a conviction before a Court of Circuit of culpable homicide, not amounting to wilful murder, under Section III, Regulation IV, 1797; and the second clause of Section XV, Regulation VII, 1803, or any other Regulation in force. If in any instance, the above stated punishment appear insufficient the judge of Circuit is to refer the trial to the Nizamut Adawlut, as directed in similar cases by Section II, Regulation LIII, 1803.

Second clause of Section V, Regulation LIII, 1803, rescinded.

VIII. *First.* The second clause of Section V, Regulation LIII, 1803, which contains provisions relative to murder, wounding, and other personal injuries committed in the prosecution of theft, or burglary, is hereby rescinded.

Persons convicted of murder, in prosecution of robbery, burglary or theft, to what sentence liable.

Second. Persons convicted of murder, in prosecution of robbery, burglary or theft, as in all other cases of wilful murder, are liable to a sentence of death, by the Court of Nizamut Adawlut, under the laws and regulations in force, which are applicable to such cases.

Persons convicted of robbery, by open violence, with or without wounding,

Third. Persons convicted of robbery by open violence, as defined in the first clause of Section III, Regulation LIII, 1803, when

when accompanied with wounding or other corporal injury, not occasioning homicide, and likewise when not so accompanied, under the provisions for such cases in Regulations LIII, 1803, III, 1805, and VIII, 1808, are liable, by sentence of the Nizamut Adawlut, to receive thirty-nine lashes with a corah, and to be imprisoned, and transported for life; or, if the offender be a police officer, or a village watchman required to assist the police officers in preventing robbery, he is subject to the enhanced punishment declared in such instances of aggravated criminality, by Section IV, Regulation III, 1805.

or corporal injury, not occasioning homicide, to what sentence liable.

Fourth. In all cases of burglary and theft, or of theft without burglary, whether in a house or from the person of another, as well as in all cases of robbery, not within the provisions of the Regulations in force, for the punishment of robbery by open violence, if the robbery, burglary, or theft, or an attempt to commit the same, be accompanied with an attempt to commit wilful murder, whether by wounding, burning, strangling, poisoning, drowning, throwing into a well, or by any other means, or be accompanied with wounding, burning, or corporal injury to any person or persons, in such degree as to endanger life, the offender or offenders, who may be convicted, to the satisfaction of the Nizamut Adawlut, of having been concerned as principals or accomplices, in a robbery, burglary, or theft, or in an attempt to commit the same, attended with such aggravated criminality, shall be liable to the same punishment, as that prescribed for robbery by open violence; viz. thirty-nine lashes with a corah, and imprisonment, and transportation for life.—The trial in all such cases, shall be referred by the Courts of Circuit to the Court of Nizamut Adawlut; and the judge of Circuit, before whom the trial may be held, shall proceed, as directed in Section IV, Regulation VIII, 1808, and other Regulations in force, respecting prisoners who are liable to a sentence of imprisonment and transportation

Persons convicted of burglary and theft, or of theft without burglary, or of robbery, not within the provisions for robbery by open violence, to what sentence liable; if the robbery, burglary, or theft, or an attempt to commit the same, be accompanied with an attempt to commit murder; or with wounding or other corporal injury endangering life.

Courts of Circuit how to proceed on the conviction of persons tried before them in such cases.

portation for life.—If the judge of Circuit be of opinion, that there are grounds for a mitigation of the prescribed punishment, he shall state the same for the consideration of the Nizamut Adawlut.

Sentence to be passed by the Court of Circuit, when the offences specified in the preceding clause may not have been accompanied with an attempt to commit murder; or with wounding, or other corporal injury, endangering life.

Fifth. In cases of conviction before the Courts of Circuit of any of the offences specified in the preceding clause, wherein the robbery, burglary, or theft, or an attempt to commit the same, may not have been accompanied with an attempt to commit murder; nor with wounding, burning, or other corporal injury, in such degree as to endanger life; but may have been attended with wounding, or other corporal injury, in a less degree, the judge of Circuit, provided he concur in the conviction of the offender, shall without reference to the Nizamut Adawlut, adjudge him to suffer such punishment, as may appear adequate to the offence, not exceeding the sentence which the Courts of Circuit are authorized to pass in cases of burglary, by the first clause of Section III, Regulation I, 1811; viz. thirty-nine stripes with a corah, and imprisonment for fourteen years, in banishment from the district where the prisoner may have resided.

Explanation of the preceding clause, as not extending to robbery by open violence.

Nor meant to authorize an enhancement of the existing penalties for burglary or theft, when not accompanied with any of the specified acts of aggravation.

Sixth. Nothing in the above clause shall be construed to empower the Courts of Circuit to pass and order execution of a final sentence of conviction, and punishment, without reference to the Nizamut Adawlut, in any case of robbery by open violence, as defined in the first clause of Section III, Regulation LIII, 1803; or to authorize an enhancement of the penalties declared by the Regulations in force, for burglary, or theft, when not accompanied with wounding, or other corporal injury; nor with an attempt to commit murder by strangling, or other means, as described in the fourth clause of this Section.

Explanation of the first clause of Sec-

Seventh. It is however hereby declared, in explanation of the first-

first clause of Section V, Regulation LIII, 1803, that the reference therein made to the Mahomedan law in cases of theft, was not intended, and shall not be considered, to preclude the Courts of Circuit from adjudging stripes, not exceeding thirty nine of the corah or ratan, in addition to imprisonment not exceeding seven years, when such punishment in aggravated cases of theft may appear just and proper.

tion V, Regulation LIII, 1803, as not meant to preclude the Courts of Circuit from adjudging stripes, as well as imprisonment in cases of theft.

IX. *First.* The provisions contained in Regulation II, 1807, for the punishment of persons convicted of wilful perjury, or subornation of perjury, or of forgery, or procuring forgery, are hereby declared subject to the following modifications.

The provisions in Regulation II, 1807, for the punishment of wilful perjury, or subornation of perjury, or of forgery or procuring forgery, modified.

Second. The judge of Circuit, before whom a prisoner may be convicted of any of the offences specified in the above clause, as defined in Regulation II, 1807, or in the present Regulation, provided he concur with the law officer in the conviction of the prisoner, shall sentence him to be publicly exposed in the mode commonly denominated tusheer, to receive thirty stripes with a corah, and to be imprisoned in banishment from the district, for the period of seven years: or for the term of fourteen years, if the prisoner be convicted of having forged or procured to be forged any counterfeit coin in imitation of any of the gold, silver or copper coins of the British Governments in India, or of any coin usually received as money in the British possessions in India; or of having forged, or procured to be forged, any counterfeit stamp, or stampt paper in imitation of any public stamp established by the British Governments in India; or any counterfeit note, or other security for money, in imitation of any of the public securities of the British Governments in India, or of the bank notes issued by any public bank in the British possessions in India, unless the judge of Circuit, on consideration of all the circumstances of the case, shall be of opinion that any part of the prescribed punishment is too

Sentence to be passed on persons convicted before the Court of Circuit of any of the above offences as defined in Regulation II, 1807, or in the present Regulation.

Enhanced penalty on persons convicted of having forged or procuring to be forged counterfeit coin, &c.

Power of the judge of Circuit to mitigate the prescribed punishment, to a certain extent, in cases of extenuation.

too severe; in which case he is authorized to mitigate the sentence to imprisonment, with or without tusheer, for any period not less than seven years, in the abovementioned cases of forgery of counterfeit coin, public stamps, securities or bank notes, and procuration of such forgery, and to imprisonment, with or without tusheer, for any period not less than three years, in all other cases within the provisions of Regulation II, 1807, and the present Regulation.

If a further mitigation of punishment appear proper, the judge of Circuit to pass sentence according to the preceding Clause, and refer the trial to the Nizamut Adawlut.

Third. If in any instance the judge of Circuit shall be of opinion, that a further mitigation or remission of punishment is necessary, he shall, provided he concur in the conviction of the prisoner, pass sentence according to the preceding clause, and refer the trial, with his sentiments at large, for the final sentence or order of the Court of Nizamut Adawlut.

Provision for the punishment of knowingly and fraudulently uttering forged instruments, counterfeit stampt paper, coin, bank notes, promissory notes or other securities for money.

X. *First.* The provisions of Regulation II, 1807, not including the offence of fraudulently issuing and publishing as true, or otherwise fraudulently giving effect or attempting to give effect, to fabricated deeds and papers, knowing the same to be false and fabricated; or the offence of using, issuing, selling or otherwise disposing of, or attempting to dispose of, counterfeit stampt paper, bearing the imitation of a public stamp, knowing the same to be counterfeit, or the offence of paying, or tendering in payment, counterfeited coin, bank notes, promissory notes, or other securities for money, knowing the same to be counterfeit, the following additional provisions are enacted for the punishment of these offences respectively.

Sentence to be passed on persons convicted before a Court of Circuit or Nizamut Adawlut of any of the above offences.

Second. If any person shall be convicted before a Court of Circuit, or the Court of Nizamut Adawlut, of any of the offences specified in the above clause, he shall be sentenced to imprisonment for such period, not exceeding seven years, as the judge of Circuit

cuit may deem adequate to the nature and circumstances of the case: and shall also, in all instances of an aggravated nature, or of a repetition of the offence, after being once convicted and discharged, be sentenced to public exposure by tusheer. In every instance of a repetition of the offence, after a previous conviction and discharge, the judge of Circuit may further at his discretion, sentence the offender to receive corporal punishment, not exceeding thirty stripes, with a corah or ratan. If a person twice convicted and discharged, be again found guilty of any of the offences specified in the preceding clause, and the judge of Circuit shall be of opinion that he ought to be imprisoned for a longer period than seven years, he shall refer the trial, with his sentiments, for the sentence of the Court of Nizamut Adawlut, in pursuance of the seventh clause of Section II, Regulation LIII, 1803.

In cases of an aggravated nature, or a repetition of the offence after first conviction and punishment, the judge of Circuit may adjudge tusheer and stripes.

Rule in cases of a third conviction after discharge from former convictions.

Third. The provisions in the above clause are further declared applicable to persons convicted of clipping, filing, drilling, defacing, or debasing the gold or silver coin of the British Governments in India, or any coin usually received as money within the British possessions in India; the whole of which offences, in the Regulations for the coinage, are already made cognizable by the Criminal Courts, and declared punishable as the law may direct.

Provisions in the above clauses applicable to persons convicted of clipping, filing, drilling, defacing or debasing the gold or silver coin.

XI. If any person, subject to the jurisdiction of a zillah or city magistrate, shall be convicted of having in his, or her possession, without lawful or satisfactory excuse, any counterfeited coin, or stampt paper, bearing an imitation of any current coin, or public stamp, and shall not shew good and sufficient cause for having such counterfeit coin, or stampt paper in his, or her possession, the persons so convicted shall be sentenced by the magistrate to pay a fine equal to four times the nominal value of such counterfeit coin, or stampt paper, in his or her possession, one moiety of which fine shall,

Persons convicted before a magistrate of having in possession counterfeit coin or stampt paper, without lawful excuse, punishable by fine or 3 months imprisonment.

shall, on receipt of it, be given to any informer, or informers, who may have given information of the offence, and established the truth of it. In the event of such fine not being paid, the person convicted shall be confined for such period as the magistrate may direct, not exceeding six months. The counterfeit coin or stampt paper, shall also, in every instance, be forwarded to the mint master or superintendent of stamps respectively.

Punishment of godna restricted, in future, to convicts sentenced to imprisonment for life.

XII. *First.* Such part of Section III, Regulation II, 1807, or of any other Regulation in force, as directs that offenders, sentenced to imprisonment for a limited period, shall have the crimes, of which they are convicted, marked on their foreheads by the process of "godna," is hereby rescinded.

Second. Convicts sentenced to imprisonment for life, shall alone be marked by the process of "godna," in the manner and for the purpose stated in Section XI, Regulation IV, 1797, and Section XXXV, Regulation VII, 1803.

Nizamut Adawlut empowered, in special cases, to exempt a prisoner sentenced to imprisonment for life, from being marked with the godna.

Third. It shall further be competent to the Court of Nizamut Adawlut to except any prisoners, sentenced to imprisonment for life, from being marked, as directed in the Sections above-mentioned, in cases wherein there may appear to be special reason for such exception.

In what manner the operation of godna, to be performed on persons liable to it.

Fourth. When convicts, sentenced to imprisonment for life, and not specially excepted by the Nizamut Adawlut, may be marked on the forehead as prescribed by Section XI, Regulation IV, 1797, and Section XXXV, Regulation VII, 1803, the magistrate shall cause the operation to be performed, early in the morning, and shall adopt precautions to prevent the convict's defacing the inscription in the course of the day. The magistrates are also directed to renew the inscription, if defaced, so as to become illegible,

The magistrate to renew the inscription if defaced.

ble, on the forehead of any convicts under sentence of imprisonment for life.

XIII. *First.* In addition to the rules contained in Sections XXVI, XXX, and XXXIII, Regulation XII, 1817, it is hereby declared that any person convicted before a Court of Circuit, or the Court of Nizamut Adawlut, of having given intentionally and deliberately a false deposition upon oath, or under a solemn declaration, taken instead of an oath, before a public officer authorized to take the same, shall be deemed guilty of wilful perjury, and liable to the punishment of that offence, declared in Section IX of this Regulation, although the deposition so taken may not relate to any judicial proceeding, provided it shall clearly appear to have been given falsely and criminally on a point material to the case, in which the deposition may have been taken.

Sentence to be passed on persons convicted before Court of Circuit, or Nizamut Adawlut, of having wilfully given a false deposition on oath, or solemn declaration before any public officer authorized to take the same.

Second. Any person convicted before a Court of Circuit, or the Court of Nizamut Adawlut, of having procured or caused another to commit the offence described in the above clause, shall be deemed guilty of subornation of perjury: and shall be liable to the punishment of that offence, declared in Section IX of this Regulation.

Persons convicted of causing or procuring another to commit the above offence, shall be deemed guilty of subornation of perjury and punishable according to under Section VI, of this Regulation.

XIV. *First.* By Section II, Regulation III, 1801, extended to the Upper Provinces by Section III, Regulation VII, 1813, with a view to prevent unfounded and malicious charges of perjury or subornation of perjury, it is provided that the zillah and city magistrates shall not receive any charges of perjury, which may be preferred by parties in civil suits, either against their own witnesses, or against the witnesses of the adverse party, or charges of subornation of perjury against the adverse parties in such suits; and all individuals whose attendance is required in the civil courts, either as plaintiffs, defendants, or witnesses, are declared not liable to any prosecution of this description, unless committed to take their trial

Recapitulation of Section II, Regulation III, 1801, and additional provisions enacted for the more effectual attainment of the objects of that Regulation.

by

by the zillah or city judge, the following additional provisions are now enacted for the more effectual attainment of the object above stated.

The rule in the Section and Regulation above cited, with a discretion to the judge to commit to prison or admit to bail, declared to extend generally, to all allegations of perjury, or subornation of perjury, against parties or witnesses in any civil suit, or any civil proceeding whatever before any of the authorities herein mentioned.

Second. The rule abovementioned, (with this qualification that the zillah or city judge may commit to prison, or admit to bail, as he shall think proper, under the discretion given by Section V, Regulation II, 1807,) shall be considered applicable to all allegations of perjury, or subornation of perjury, against parties or witnesses in any civil suit, or any civil proceedings whatever, before the judge or register of a zillah or city court; or before a sudder ameen or moonsiff, or an arbitrator or arbitrators appointed to investigate such suits; or an officer employed by a zillah or city civil court, in any local or other enquiry; or in the execution of any civil process. In all such cases the proceedings, on which the charge of perjury, or subornation of perjury may be grounded, if not held before the zillah or city judge in the first instance, shall be referred to him by the register, commissioner, or other officer, before whom the proceedings may have been held, with the sentiments of the register, commissioner, or other officer, upon the case; and if the judge be of opinion that there are sufficient grounds for bringing the accused party to trial before the Court of Circuit, on a charge of perjury, or subornation of perjury, he shall record his opinion to that effect; and at the same time direct whether the accused shall be admitted to bail, or kept in custody. An authenticated copy of the order passed by him, with the whole of the original papers relative to the case, shall then be transferred to the cucherry of the magistrate, that the order of the judge may be carried into effect, and the case brought before the Court of Circuit, in the same manner as if the charge had been instituted and proceeded upon, in the court of the magistrate.

Mode of procedure when the proceedings on which the charge of perjury or subornation of perjury is grounded, may be held before a register, native commissioner or other officer.

And in cases wherein the proceedings

Third. If the judges of the Provincial Courts, or of the Court of

of Sudder Dewanny Adawlut, or any single judge of those Courts respectively, in cases within the competency of a single judge, shall be of opinion that there are sufficient grounds, on any civil proceeding before them for bringing a party or witness to trial, on a charge of perjury, or subornation of perjury, they shall record their sentiments to that effect; and at the same time direct whether the party accused shall be admitted to bail, or kept in custody;—an authenticated copy of the order so passed, with the whole of the original papers relative to the case, shall then be transmitted to the proper zillah or city magistrate, for the purpose of being proceeded upon, as stated in the preceding clause.

may be held before the judges of the Provincial Courts, or of the Court of Sudder Dewanny Adawlut, or any single judge of those Courts

Fourth The restriction against prosecutions for perjury and subornation of perjury of witnesses and parties in the Civil Courts, unless the officers presiding in these Courts, shall be of opinion that there are grounds for such prosecutions, are hereby extended to all charges of perjury, or subornation of perjury, against witnesses and prosecutors in the Criminal Courts, or before any public officer authorized to hold enquiries respecting offences of a criminal nature. Provision is already made by Section VI, Regulation II, 1807, for such cases, when persons attending the session of a Court of Circuit may appear to the judge of that Court, to have been guilty of perjury, or subornation of perjury. The judges of the Courts of Circuit at the sudder stations of those Courts, and the judges of the Court of Nizamut Adawlut, or a single judge of those Courts respectively in cases within the competency of a single judge, are further hereby declared empowered to direct the proper zillah or city magistrate to commit to custody, or hold to bail, and to bring to trial at the regular sessions of the Courts of Circuit, any person who from proceedings before the [illegible] Courts may appear to have been guilty of the crime of perjury, or subornation of perjury; and the zillah and city magistrates themselves are vested by the Regulations, with full authority to commit,

Restriction against prosecutions of perjury or subornation of perjury of parties and witnesses in the Civil Courts extended to charges of those offences against prosecutors and witnesses in the Criminal Courts, or before any public officer authorized to hold enquiries into offences of a criminal nature.

commit, or hold to bail, for trial before the Courts of Circuit, all persons who on their own proceedings, or those of their assistants, may be considered guilty of either of the crimes abovementioned. The magistrates of the several zillahs and cities are therefore prohibited from receiving and acting upon any charges of perjury or subornation of perjury, alleged to have been committed in the course of any trial, or enquiry of a criminal nature, excepting such as may come before them in the manner provided for by this Section.

Further restriction when the offence may be alleged to have been committed before a collector or other public officer.

Fifth. The zillah and city magistrates are further restricted from receiving and acting upon charges of perjury, or subornation of perjury, alleged to have been committed before a collector or other public officer, unless such officer shall transmit the proceedings held before him, with his opinion that there are grounds for believing such charge to be well founded. In that case, and if the magistrate on inspection of the proceedings, or after making such further inquiry as he may deem necessary, shall be of opinion that there are grounds for bringing the party accused to trial before the Court of Circuit, he shall pass an order to that effect; and shall at the same time direct, whether the accused shall be held to bail or kept in custody, till the session of the Court of Circuit.

Provision for the appointment of a public prosecutor, when judged proper by the magistrate to conduct prosecutions under this Section, before the Court of Circuit.

Sixth. In all the cases provided for by this Section, if there be no private prosecutor to whom the magistrate may judge it proper to leave the prosecution of the case, before the Court of Circuit, he shall appoint the vakeel of Government, or some other qualified person to conduct the prosecution before the Court of Circuit, and shall furnish him with the requisite information and instructions for that purpose.

Section XXIII, Regulation XVI, 1795, and so much of Sections VII and IX Regulation XXI, 1795, as exempts bramins convicted of murder, in the province of Benares from ca-

XV. By the Laws and Regulations in force throughout the whole of the provinces under this presidency, except the province of Benares, bramins, in common with all other persons, who may be

be convicted of the heinous crime of murder, are liable to a sentence of death; but in the province of Benares, it is provided by Section XXIII, Regulation XVI, 1795, as well as by Sections VII, and IX, Regulation XXI, 1795, that bramins convicted of murder and liable to a sentence of death, shall, in lieu of such punishment, be sentenced by the Nizamut Adawlut, to transportation for life. This exemption of bramins in the province of Benares from the legal punishment for murder, to which bramins as well as all other persons, are subject in every other part of the country, being obviously repugnant to the principles of equal justice; and having operated to prevent the infliction of adequate punishment in some atrocious cases of murder, which have come before the Benares Court of Circuit and the Nizamut Adawlut; Section XXIII, Regulation XVI, 1795, and so much of Sections VII, and IX, Regulation XXI, 1795, or of any other Regulation in force, as exempts a bramin convicted of murder within the province of Benares, from a sentence of death, are hereby rescinded from the date on which this Regulation may be promulgated. Provided however that nothing in this Section shall be understood to render any bramin within the province of Benares, liable to a sentence of death for an offence committed before the promulgation of this Regulation; nor shall the execution of a sentence of death against a bramin take place at a future period, within the limits of any spot of ground held sacred by the Hindoos. The magistrates are enjoined to execute all sentences of death against bramins at some convenient place situate without such limits.

pita' punishment rescinded, from the date on which this Regulation may be promulgated.

XVI. The provisions contained in Clause Fifth, Section VII, Regulation LIII, 1803, and in Section VIII, Regulation VIII, 1808, for expediting the decision of criminal trials referred to the Nizamut Adawlut in certain cases, having seldom been found available for the purpose intended by them, they are hereby rescinded.

Clause Fifth, Section VII, Regulation LIII, 1803, and Section VIII, Regulation VIII, 1808, rescinded.

XVII.

Extension of provision contained in Section VI, Regulation VII, 1808, for a sitting of two or more judges of the Nizamut Adawlut to all cases in which a judge of Circuit before whom a trial may be held, shall recommend a mitigation of punishment, upon grounds which a single judge of the Nizamut Adawlut holding a sitting of that Court, may deem insufficient.

XVII. It is provided in Section VI, Regulation VII, 1808, that if a single judge of the Nizamut Adawlut holding a sitting of that Court upon a criminal trial shall not concur with the judge of Circuit before whom the trial may have been held, with respect to the conviction of the prisoner, he shall not pass sentence until one or more of the other judges of the Court can sit with him upon the trial. This provision which includes all instances of a difference of opinion upon the guilt or innocence of a prisoner, is now extended to all cases in which the judge of Circuit, before whom the trial shall have been held, may recommend a mitigation of punishment, upon grounds which a single judge of the Nizamut Adawlut, holding the sitting of that Court, may deem insufficient. In such cases, the opinion of a second judge of the Nizamut Adawlut shall be taken upon the mitigation proposed by the judge of Circuit; and in giving such opinion he will examine the proceedings upon the trial as far as may be necessary to enable him to form a judgment upon the stated grounds of mitigation.

Opinion of a second judge of the Nizamut Adawlut how to be taken in such cases.

A single judge of the Nizamut Adawlut concurring with the judge of Circuit before whom the trial may have been held, empowered to grant a mitigation of punishment when it may appear proper, in like manner as two judges of the Nizamut Adawlut are empowered by Section III, Regulation XIV, 1810.

XVIII. *First.* When the judge of a Court of Circuit, referring a criminal trial to the Nizamut Adawlut, shall state circumstances of extenuation, or other special grounds for a mitigation of punishment, in behalf of any prisoner, or prisoners, and a single judge of the Nizamut Adawlut, gholdinthe sitting of that Court, shall concur in the mitigation of punishment recommended by the judge of Circuit, it shall be competent to the judge, so concurring, to grant the proposed mitigation, and to pass sentence accordingly; in like manner as two judges of the Nizamut Adawlut are declared competent to grant a mitigation, or remission of punishment, whenever it may appear just and proper, under the provisions contained in Section III, Regulation XIV, 1810.

A similar power may be exercised by a single judge of the Nizamut Adawlut, sitting on a Cri-

Second. A single judge of the Nizamut Adawlut, holding the sitting of that Court on a criminal trial under Section VI, Regulation

lation VIII, 1808, is further declared competent to mitigate or remit any part of the prescribed punishment, if it appear to him just and proper on the grounds stated in Section III, Regulation XIV, 1810, although a mitigation or remission may not be proposed by the judge of Circuit referring the trial; but in such cases the grounds on which a mitigation or remission of punishment may be granted shall be recorded and communicated to the Court of Circuit, for the information of the prisoner, or prisoners, as required by the abovementioned Section of Regulation XIV, 1810.

minal trial under Section VI, Regulation VIII, 1808, although a mitigation or remission of punishment be not proposed by the judge of Circuit referring the trial.

A. D. 1817. REGULATION XVIII.

A REGULATION *to modify the rules in force which prescribe an oath of office to be taken by certain Native Officers; and to explain and amend other provisions relative to the Native Ministerial Officers and Law Officers of the Civil and Criminal Courts.*—PASSED *by the Vice-President in Council on the* 16*th September* 1817; *corresponding with the* 2*d Assin* 1224 *Bengal era; the* 21*st Bhadoon* 1224 *Fusly; the* 3*d Assin* 1224 *Willaity; the* 6*th Bhadoon* 1874 *Sumbut; and the* 4*th Ze-Kaddu* 1232 *Hijeree.*

Preamble.

WHEREAS doubts have arisen whether the native record keepers attached to the civil and criminal courts of Judicature, as well as the tehveeldars, or native treasurers of those courts, were meant to be included in the description of native officers required to take the oath prescribed by Section IV, Regulation XIII, 1793, (extended to the province of Benares by Regulation XIII, 1795, and re enacted for the Upper Provinces by Section IV, Regulation XII, 1803;) also whether a hullufnamah, or solemn declaration, can, in any instance, be admitted, instead

stead of the oath directed to be taken by the native officers of the civil and criminal courts; and whereas, with a view to maintain the sanctity and obligation of an oath, by confining the requisition of it to cases in which an oath may be necessary for the validity of evidence, and due administration of justice, it appears expedient to modify the rules in force, which prescribe an oath of office to be taken by any of the native officers of Government; at the same time explaining and amending the existing provisions for a civil action against the law officers and ministerial native officers of the courts of Judicature, in cases of alleged corruption, or extortion, the following rules, including likewise an additional rule for the appointment of the law officers of the provincial, zillah and city courts, have been enacted, to be in force, as soon as promulgated, throughout the provinces dependent on the presidency of Fort William.

Rules in force respecting a prescribed oath, to be taken by certain native officers, declared subject to modification.

II. *First.* Such parts of the Regulations in force as direct that the law officers, or ministerial native officers, of the Court of Judicature, civil or criminal, or any other native officers employed in the judicial, revenue, or commercial department, or in any public office whatever, shall take and subscribe an oath, previously to their entering upon the discharge of the duties of the office to which they may be respectively appointed, or which, in like manner, prescribe an oath of office to be taken by the moonsiffs and sudder aumeens; and by the native pleaders attached to the civil courts, are hereby declared subject to the following modification.

A solemn declaration substituted for the prescribed oath in such cases.

Second. Instead of the prescribed oath, which is required by the Regulations in force, the several native officers referred to in the above Clause, shall hereafter make and subscribe, in open court, or in the established public office, before the judges, boards, collectors, commercial residents and agents, or other European authorities to which they may be respectively subject, a solemn

declaration

declaration to the same effect with the form of oath heretofore prescribed, except that the word "declare" shall be substituted for "swear;" and that the declarer shall not be sworn thereto.

Third. The judges, boards, collectors, or other European officers before whom such declarations are required to be made and subscribed, shall attest the same as publickly read and subscribed before them, in pursuance of the above Clause, and shall be careful to enforce a due observance of the rule therein contained, by the native officers appointed to act under them respectively.

By whom such declarations to be attested, and the above rule to be enforced.

III. With the modification contained in the preceding Section, the rules in force, which require that certain native officers attached to the civil and criminal courts of Judicature, and to other public offices, shall take and subscribe an oath, solemnly engaging to perform the duties of the office committed to them, faithfully and uprightly, according to the Regulations, are hereby declared to extend to the native record keepers and tehveeldars, or native treasurers, of the civil and criminal courts, though not specifically named in Section IV, Regulation XII, 1793, and Section IX, Regulation XII, 1803; as well as to all other native officers of Government holding any situation of trust and responsibility in the public service.

To what native officers the rules so modified are meant to extend.

IV. The second Clause of Section V, Regulation XII, 1793; the second Clause of Section V, Regulation XI, 1803; Section XXXVII, Regulation IX, 1793, and Section IX, Regulation VII, 1803, with any other provisions in the existing Regulations which require the Mahommedan law officers of the civil or criminal courts to take and subscribe an oath on the 1st of January and 1st July of each year, are hereby rescinded.

Provisions for an oath to be taken half yearly by the Mahommedan law officers of the civil and criminal courts rescinded.

V. In modification of the rules contained in Sections III and IV, Regulation VIII, 1809, which relate to the appointment of the

Modification of existing rules for the nomination and appointment of the law officers of the provincial, zillah and city courts.

the Mahommedan and Hindoo law officers of the provincial, zillah and city courts, with a view to admit of the occasional appointment of persons duly qualified, who may not be nominated by the judges of those courts, it is hereby provided, that whenever a vacancy may occur in the station of law officer to any of the above courts, and the court of Sudder Dewanny and Nizamut Adawlut, on receiving the prescribed report of such vacancy, shall for any special reason, judge it proper to nominate and appoint a fit person to fill the vacant office, without calling for, or adopting if received, the usual nomination of a person to succeed thereto by the judge or judges of the court in which the vacancy may have occurred, it shall be competent to the court of Sudder Dewanny and Nizamut Adawlut to make such nomination and appointment; recording on their proceedings the special ground on which the appointment so made may be founded, with any information obtained respecting the age, character, past employments and qualifications, of the person so appointed to the station of law officer, whether of a zillah, city, or provincial court.

Explanation of provisions in force for a civil action against the law officers and ministerial native officers of the courts of judicature, in cases of alleged corruption or extortion.

VI. *First.* In explanation of the provisions for a civil action against the law officers and ministerial native officers of the courts of judicature, contained in Regulations XII and XIII, 1795, (extended to Benares by Regulations XI and XII, 1795; and re-enacted for the Upper Provinces by Regulations XI and XII, 1803;) it is hereby declared that those provisions, the principal object of which is to enable individuals, who may be aggrieved by any of the native officers in question, to obtain redress by an action in the civil courts, are not meant to preclude a criminal prosecution in cases of corruption, extortion or embezzlement, which may appear to call for exemplary punishment.

In what cases a law officer, or ministerial native officer, may be prosecuted in the criminal

Second. Whenever a law officer, or ministerial native officer, may not, by the result of a civil action, have been subjected to

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the penalties for corruption or extortion, provided for in the above Regulations, and there may appear to be sufficient grounds for a criminal prosecution against any such officer, on a charge of corruption, extortion or embezzlement, he is hereby declared liable to a criminal prosecution before the zillah or city magistrate, and court of circuit, as provided for in other cases of misdemeanor by the Regulations, and on conviction before a court of circuit, or the court of Nizamut Adawlut, he shall be subject to discretionary punishment to the extent, and under the provisions, stated in Section III, Regulation II, 1813, with respect to native officers convicted of making use of the public money entrusted to their care.

courts on a charge of corruption, extortion, or embezzlement.

And to what penalties liable on conviction.

Third. Section IV, of the Regulation above-mentioned, directing a report of convictions and sentences to the Governor General in Council, for the purpose of enabling him to determine whether the guilty persons should be declared incapable of again serving Government, shall also be considered applicable to any convictions and sentences under the present Section.

Report to be made to Government in such cases.

VII. *First.* The Regulations in force not containing any provision for a summary proceeding, to enquire into and recover embezzlements of money, or other property paid into, or deposited in, the civil or criminal courts of judicature, or received by the nazir, khazanchy or other native officers of those courts, in execution of decrees, or on account of deposits, or on any other account in their official capacity; and it appearing expedient that provision should be made for this purpose, as well as for compelling the native officers of the civil and criminal courts to deliver up any public accounts which may have been kept and withheld by them; the following rules are enacted for this purpose.

Proceedings to be adopted for the recovery of money or property deposited in the civil and criminal courts, and embezzled by the native officers.

Second. Whenever any native officer attached to a civil or criminal

A summary enquiry to be instituted in such cases by the judge or judges of the court.

criminal court, may be charged with having embezzled any money or other property paid into, or deposited in, the court to which he is attached; or received by him in his official capacity, in execution of a decree, or on account of a deposit, or on any other account whatever; or whenever the judge or judges of a civil or criminal court may have reason to suspect any such embezzlement, on the part of a native officer attached to the court, they shall immediately institute a summary enquiry to ascertain the truth of such charge or suspicion; and shall, at the same time, require the native officer accused, or suspected, to give sufficient security for his attendance during the enquiry.—In the event of such security not being given, and of its appearing necessary to keep the officer in custody, pending the enquiry, it shall be competent to the judge or judges to order the same; and to keep the party in custody of peons, or to confine him in the jail of the Dewanny Adawlut, until he shall give the required security, or his detention appear no longer necessary.

Security to be required for the attendance of the native officer.

Or the officer to be kept in custody.

Third. When the summary enquiry has been completed, if it be established thereby that any money or other property has been embezzled by the person accused, or suspected, in his official capacity, he shall be required to pay the same into court, within such time as may be limited for that purpose; and on his failure to comply with such requisition, it shall be recoverable from him, as well as from his surety, if he have given security on account of the office held by him, by the usual process of recovery, in execution of judgments of the civil courts.

On proof of embezzlement the amount how to be recovered.

Fourth. A similar mode of proceeding shall be observed when a native officer attached to any civil or criminal court of judicature, may withhold any public accounts which it is his duty to prepare and furnish, and the summary judgment in such cases, shall not only order the immediate delivery of the accounts

The same course to be pursued when public accounts may be withheld by native officers.

counts withheld, but shall also impose such fine to Government as may appear just and proper, on consideration of all the circumstances of the case, and the situation of the party.

Fifth. Any person dissatisfied with the judgment of a zillah or city court, given under the provisions of this Section, shall be at liberty to prefer a summary appeal thereupon under the rules applicable to such appeals, to the provincial court of the division; and provided sufficient security be given for performing the decree of the provincial court, on the appeal, the decision of the zillah or city court shall not be carried into execution till confirmed by the provincial court.

A summary appeal may be admitted by the provincial court from decisions passed in such cases by the zillah and city judges.

Sixth. In like manner if the original summary judgment be passed by a provincial court, a summary appeal under the rules applicable to such appeals, shall lie to the court of Sudder Dewanny Adawlut; and the decree of the provincial court shall not be executed till it is affirmed by the Sudder Dewanny Adawlut; if sufficient security be given to perform the judgment of the latter court on the appeal.

And by the Sudder Dewanny Adawlut from the decisions of provincial courts.

Seventh. Provided however, with respect to all cases decided, in the first instance, by a zillah or city court, and afterwards determined on appeal by a provincial court, that no second appeal shall lie to the Sudder Dewanny Adawlut except under the prescribed restrictions for second or special appeals, in regular suits.—Nor shall final summary judgments, given under the provisions of this Section, be open to a further regular suit; but shall be held conclusive, upon the merits of all cases so adjudged.

Proviso.

A. D. 1817. REGULATION XIX.

A REGULATION *for modifying and amending some of the Regulations in force, relative to the administration of Civil Justice, and to the authorized summary process for recovery of arrears of rent.*—PASSED *by the Vice-President in Council on the* 16*th September* 1817; *corresponding with the* 2*d Assin* 1224 *Bengal era; the* 21*st Bhadoon* 1224 *Fusly; the* 3*d Assin* 1224 *Willaity; the* 6*th Bhadoon* 1874 *Sumbut; and the* 4*th Ze Kadda* 1232 *Higeree.*

Preamble.

WHEREAS it will promote the convenience of persons residing at a distance from the stations of the provincial courts, to allow an option of instituting in the zillah and city courts, for trial in the first instance, original regular suits in which the cause of action may exceed five thousand, but not be more than ten thousand sicca rupees; and whereas it will also be convenient to persons residing at a distance from the zillah and city courts, and having to sue for small sums within the cognizance of a moonsiff, that the moonsiffs appointed under Regulation XXIII, 1814, should be empowered to receive and try suits cognizable by them, in which the cause of action may have arisen

within

within three years antecedent to the institution of the suit, instead of one year as limited by Section XIII, of the Regulation above mentioned; and whereas some of the Regulations now in force for the administration of civil justice, as well as the rules contained in Section XV, Regulation VII, 1799; Section XIV, Regulation V, 1800; and Section XXXII, Regulation XXVIII, 1803; for a summary process on account of arrears of rent, have been found to require amendment; the following rules are accordingly enacted, for the several purposes above stated, to be in force as soon as promulgated throughout all the provinces immediately subject to the Presidency of Fort William.

Parts of former Regulations modified.

II. *First.* So much of the rule contained in the first clause of Section V, Regulation XXV, 1814, and of any other Regulation in force, as provides that all original suits, in which the amount or value of the claim calculated in conformity with Section XIV, Regulation I, 1814, and Section XXIII, Regulation XXVI, 1814, may exceed five thousand sicca rupees, shall be instituted and tried in the first instance in the provincial courts, is hereby declared subject to the following modification.

Option granted to plaintiffs in cases of a certain amount or value to institute their suits either in the provincial court or in the zillah or city courts.

Second. If the amount or value of the claim, calculated according to the provisions of the Sections above specified, be more than five thousand, but not exceeding ten thousand sicca rupees, it shall be optional with the plaintiff to institute a regular suit, in the first instance, either in the provincial court of the division, under the rules now in force, or in the Dewanny Adawlut of the zillah or city in which the land, house, or other immoveable property, constituting the subject of the suit, may be situated; or if the suit be not for immoveable property, in the Dewanny Adawlut of the zillah or city, in which the cause of action may have arisen; or the defendant may reside as a fixed inhabitant, when the suit against him is commenced.

III.

III. *First.* The option given by the preceding Section is not meant to c. end to any suits already instituted in the provincial courts; nor to prevent, in future, an occasional exercise of the discretion vested in the court of Sudder Dewanny Adawlut by the first clause of Section III, Regulation XXV, 1814; viz. if it appear, at any time, from the pressure of business in a zillah or city court, that suits depending therein, and exceeding one thousand rupees in amount or value, can be more conveniently and expeditiously tried in the first instance by the provincial court of the division, than by the zillah or city court before which they may be depending, to order the transfer of all or any of such suits to the provincial court.

Explanation as to the option given to plaintiffs in the preceding Section.

Second. It shall be competent to any plaintiff or plaintiffs, who may have instituted, in a zillah or city court, a suit transferable to a provincial court under the above clause, to petition the provincial court, for the transfer of such suit; and if sufficient reason appear for the transfer desired, such as considerable delay in the trial of the suit by the zillah or city court, the provincial court will transmit the petition for the orders of the Sudder Dewanny Adawlut. But all parties in suits instituted in a provincial, zillah or city court, under the option given by Section II, of this Regulation, are strictly prohibited from instituting a second suit in another court on the same cause of action, under penalty of such second suit being dismissed with costs, and a fine to Government, as declared in similar cases by Section XII, Regulation III, 1793; and Section IX, Regulation II, 1803.

Plaintiffs may petition a provincial court for the transfer of a suit instituted in a zillah or city court.

But prohibited from instituting a second suit in another court for the same cause of action.

Penalty in such cases.

IV. The provisions contained in Section IV, Regulation XIII, 1808, and in the second clause of Section VII, Regulation XXVI, 1814, relative to suits in which the plaintiff in a zillah or city court may state his cause of action as not exceeding five thousand sicca rupees, and the defendant may, in answer, deny such

The existing provisions relative to cases where the cause of action may be disputed, declared applicable to suits not exceeding two thousand rupees.

such statement, and allege the produce, amount or value, to be such as to render the suit not cognizable by the zillah or city court, shall be considered applicable to suits instituted in the zillah or city courts, as not exceeding ten thousand sicca rupees, under the option given by Section II of the present Regulation.

In suits for malgoozary land, not distinctly assessed, how the value of the property is to be assumed.

V. It being declared in Section XXIII, Regulation XXVI, 1814, that in suits for malgoozary land, not constituting an entire estate, distinctly assessed, or a specific proportion of such estate, the value of the land claimed is to be assumed and estimated according to clause third, Section XIV, Regulation I, 1814; and a doubt having been entertained in what manner the rule cited in that clause from Section III, Regulation IV, 1793, and Section III, Regulation III, 1803, should be applied to the valuation of malgoozary lands, not distinctly assessed for the public revenue in some cases; particularly in boundary disputes, when the judgment for or against the plaintiff, may not occasion any alteration in the public assessment; it is hereby explained, that in all claims to a right of property, or to a permanent tenure of any description, in malgoozary land, not constituting an entire estate, distinctly assessed, with a sudder jumma payable to Government; or a specific proportion of such an estate, so as to come within the rule prescribed in the first clause of Section XIV, Regulation I, 1814, the value of the land sued for is to be assumed at its computed annual rent produce, as described in Section III, Regulation IV, 1793, and Section III, Regulation III, 1803. If the suit be not for a right of property, or for a permanent tenure, but for a farm leasehold of any denomination, during a limited term; or for any interest in the land during a limited period only; the valuation of the plaintiff's claim, in pursuance of the Regulations above-mentioned, is to be made according to the nearest estimate that can be formed of the actual value of the thing sued for; or if the suit be for damages, the amount in which the plaintiff is endamaged.

In cases where the suit is not for a right of property, how the valuation is to be formed.

VI.

VI. *First.* In all original regular suits which may be tried and determined in the first instance by the zillah or city courts, under the provisions of this Regulation, a regular appeal will lie to the provincial court of the division, in pursuance of the third clause of Section III, Regulation XXV, 1814; subject to the general rules in force for such appeals.

Right of appeal under Clause 3, Section III, Regulation XXV, 1814.

Second. A second or special appeal from the judgments of the provincial courts in such cases, will also be admissible by the Court of Sudder Dewanny Adawlut, under the restrictions established by Section II, Regulation XXVI, 1814.

Second or special appeals on such cases admissible under Section II, Regulation XXVI, 1814.

VII. *First.* The restrictive provisions for second, or special appeals, prescribed in the first clause of Section II, Regulation XXVI, 1814, allow of such appeals being admitted, when the judgment, against which the appeal may be preferred, shall appear to be inconsistent with some established judicial precedent: but this is not understood to include the case of two opposite or inconsistent judgments passed by the same court, or by two courts having jurisdiction in the same suit, or in suits founded on a similar cause of action; though in such cases it is obvious, that one or both of the opposing judgments should be revised. It is therefore hereby provided, in addition to the grounds on which second or special appeals are declared admissible, in the first clause of Section II, Regulation XXVI, 1814, that such appeals may be admitted, when the judgment against which the appeal is preferred shall, from the exhibition of another decree of the same court, or of another court having jurisdiction in the same suit, or in a suit founded on a similar cause of action, clearly appear to be in opposition thereto, or inconsistent with such other judgment.

Special appeals allowed in cases where decrees passed by one or more courts are inconsistent with each other.

Second. The court, empowered to receive the special appeal in such cases, shall be competent either to try the merits of the case,

The court receiving an appeal may proceed and pass a final judgment or

refer the suit back for revision.

case, and pass a final judgment thereupon; or to refer the suit back for revision, and a further judgment by the court which shall have passed the original decision, or that given on the first appeal.

Stamp duty to be refunded in cases where appeals are referred for further investigation.

VIII. In the special appeals provided for by the foregoing Section, as well as in all other appeals, regular or special, under the Regulations in force, if the suit in appeal be referred back for further investigation and decision, without a judgment upon the merits of the case, the stamp duty paid by the appellant on his petition of appeal shall be returned to him; and if the appellant, or respondent, have appointed a pleader, his fee shall be limited to such sum as may be deemed an adequate compensation for his labour, not exceeding one fourth of the established fee in a regular suit.

Limitation as to the fee to be paid to pleaders in such cases.

Provisions rescinded.

IX. *First.* Sections XXXII and XXXIII, Regulation XXVII 1814, are hereby rescinded.

Rule for the payment of pleader's fees in summary appeals and original summary suits.

Second. The rule prescribed in the eleventh clause of Section III, Regulation XXVI, 1814, relative to the fee receivable by pleaders employed in the summary appeals referred to in that Section, shall be hereafter considered applicable to all summary appeals and original summary suits, authorized by the Regulations, in which a pleader or pleaders may be employed.

Deposits on account of pleader's fees in such cases not requisite;

But fees awarded on the decision of a case to be paid into court;

Third. It shall not be requisite to make any deposit, in the first instance, for the fees of pleaders employed in summary original suits or appeals. But whatever amount of fees may be awarded to pleaders on the decision of the case, shall be paid into the court giving judgment for the same, by the party or parties declared responsible for the payment thereof, within such period as may be limited by the court for that purpose; under penalty

Under penalty of such further sum as

for

for default of being compelled to make good, by the usual process of recovery, any additional sum, which the court, in consideration of the delay, may judge it proper to award to the pleaders entitled thereto in such cases.

the Court may direct

X. *First.* The rule contained in the third clause of Section XXV, Regulation XXVII, 1814, that for every sum which may be paid by a civil court to a vakeel, on account of his fees, he shall give a receipt, written on the stampt paper prescribed in Section XI, Regulation I. 1814, is modified as follows.

Modification of the rule which requires stampt receipts for pleader's fees.

Second. When the aggregate amount of fees payable to a vakeel, in two or more suits, may not exceed sixteen rupees, he shall be allowed to give a consolidated receipt for the total amount, specifying the sum receivable in each suit; instead of a separate receipt for the fee payable in each suit.

If the fees in several suits do not exceed sixteen rupees, one consolidated receipt for the whole to suffice.

XI. The rule prescribed in Section XI, Regulation XXVI, 1814, for the examination of witnesses, whose evidence may be required by the Sudder Dewanny Adawlut, or a provincial court, upon distinct written interrogatories to each witness, to be prepared and signed by the parties or their vakeels, having been found productive of delay and inconvenience, when several witnesses are to be examined on a point or points, not before investigated; a discretion is vested in the Court of Sudder Dewanny Adawlut, and the provincial courts, to dispense with a strict observance of the rule above-mentioned in particular cases, when it may appear advisable. But in such cases the zillah or city judge, by whom the witnesses are to be examined, shall be furnished with specific instructions respecting the point or points, upon which their evidence is to be taken; and the depositions of the witnesses shall, if practicable, be taken by the judge himself, or by his register, instead of being left to a native officer, as authorized in cases of necessity by Section XI, Regulation XXIV, 1814.

Discretion vested in the Sudder Dewanny Adawlut and provincial courts to dispense with the rule requiring witnesses to be examined on written interrogatories in special cases.

On such occasions the judge to have specific instructions and to examine the witnesses himself.

XII.

Extension of the period prescribed by clause I, Sec. XIII, Regulation XXIII, 1814, for the trial of suits by moonsiffs.

XII. By the first clause of Section XIII, Regulation XXIII, 1814, persons invested with the powers of moonsiffs under that Regulation, are empowered to receive and try suits cognizable by them, provided the cause of action shall have arisen within one year previous to the institution of the suit. This period is now extended to three years; and after the promulgation of the present Regulation, it shall be competent to moonsiffs, appointed under the provisions of Regulation XXIII, 1814, to receive, try and determine, any suit cognizable by them, the cause of action in which may have arisen within three years antecedent to the institution of the suit.

The several judges invested with a discretionary power to try summary suits instituted under Regulation V, 1812.

XIII. *First.* By Section XXI, Regulation V, 1812, and the second clause of Section II, Regulation VII, 1813, it is provided that suits instituted under Regulation V, 1812, shall, with a view to expedite their decision, be referred, as soon as instituted, for the report of the collector of the district. In some instances however a strict adherence to this rule has, from different causes, operated to retard, instead of expediting, the investigation and decision of the suits in question. The judges of the zillah and city courts are therefore declared at liberty, in future, on the institution of summary suits, under any of the provisions of Regulation V, 1812, either to refer the same for adjustment, and report to the collector of the district; or to investigate and decide such suits themselves, without reference to the collector; or to refer them for investigation and decision to their registers; as may appear most conducive to the speedy trial and determination of the suit in each instance.

Or to refer them to the collector.

Or to their registers as may appear best calculated to insure a speedy decision.

Such suits however to be referred to the collectors when the judges or registers cannot decide upon them without delay.

Second. The judges of the zillah and city courts are at the same time enjoined to refer, for the collector's adjustment and report, as heretofore, all suits which are so referrible under the Regulations in force; and which the judges themselves, or their registers, may be unable to try and determine without delay.

XIV.

XIV. A question having arisen whether the registers of the zillah and city courts are competent to refer suits to the collectors for adjustment and report; it is hereby explained, that registers when not officiating as judges, are not competent to make such references to the collectors of their own authority. But whenever a regular suit of the nature described in Section XIII, Regulation VIII, 1794, and Section II, Regulation VII, 1813, or a summary suit referrible to the collector of the district, under Section XV, Regulation VII, 1799, Section XIV, Regulation V, 1800, Section XXXII, Regulation XXVIII, 1803, Section XXI, Regulation V, 1812, or any other Regulation in force, may be depending before the register of a zillah or city court; and the register shall be of opinion that an adjustment of accounts by the collector will facilitate the investigation and expedite the decision of such suit; he shall report the same to the judge; who, if he concur with the register, will make the proposed reference to the collector, in the manner prescribed by the Regulations; and on receiving the collector's report, will transmit the same to the register, before whom the suit may be depending; unless the judge shall think it proper to recall the suit from the register's court, and transfer it to his own, as authorized, for the more speedy administration of justice, or other reason, by Section X, Regulation XXIV, 1814.

Registers when not officiating as judges declared incompetent to refer suits to the collectors.

Rule of proceeding in cases where suits instituted under the existing Regulations may be depending before a register.

XV. *First.* The provisions for a summary process against defaulting under tenants and their sureties, contained in Section XV, Regulation VII, 1799, Section XIV, Regulation V, 1800, and Section XXXII, Regulation XXVIII, 1803, suppose the under-tenant and his surety, at the time of a petition being preferred for their arrest, to be within the zillah or city jurisdiction, in which the land for which the arrear of rent is claimed (or the greater part of it, if in two jurisdictions) may be situated as the summary enquiry provided for could not be regularly or conveniently made in a different jurisdiction, but to prevent an evasi-

Petitions for the arrest of defaulting under tenants and their sureties may be presented to the judge of the zillah or city, in which the defaulter shall at the time reside.

on

on of the authorized process against defaulting under-tenants and their sureties, it is necessary to make further provision for their arrest, when they may not reside, or be found, within the limits of the zillah or city, in which the land tenanted by the defaulter is situated. It is therefore hereby provided, that whenever a dependant talookdar, khutkinadar, jotedar, or other under-tenant, or the surety of any such under-tenant, from whom an arrear of rent may be due, and who may have failed to discharge the same on demand, may reside, or be in a zillah or city, different from that wherein the land, for which the arrear of rent is due, may be situated, it shall be competent to the zemindar, or other proprietor or farmer of the land, to whom the arrear of rent may be owing, or his authorized agent, to present a petition specifying the particulars stated in the following clause, and praying for the arrest of the defaulter, or his surety, to the judge of the zillah or city in which the defaulter or his surety may reside, or be; and the judge receiving the same shall immediately issue the process of arrest, directed in the third clause of Section XV, Regulation VII, 1799; and the corresponding clause of Section XIV, Regulation V, 1800, and Section XXXI, Regulation XXVIII, 1803.

Who is immediately to issue the prescribed process of arrest.

What such petition is to contain.

Second. The petition of arrest, to be presented under the above clause, as well as any petitions for the arrest of defaulting under tenants or their sureties, which may be hereafter presented under the Regulations above mentioned, shall specify, besides the name and residence of the defaulter and surety, and the mehal for which the balance of rent is claimed, the annual jumma of such mehal; the amount demandable for the kists of the current year which may have become payable, the amount received from the tenant or his surety, and the balance actually due for the payment of which the arrest is desired. The petition shall also state whether the arrear claimed has been demanded from the defaulter or his surety, and the result.

Third.

Third. If the defaulter, or surety, against whom process of arrest may be issued under the first clause of this Section, be found within the jurisdiction of the judge by whom the same shall have been issued; and after being arrested, he shall not pay the arrear demanded, or satisfy the party causing his arrest; and shall, in consequence be brought to the local civil court, in pursuance of the rule contained in the Regulations before noticed; the judge shall call upon him, to shew cause why he should not be sent to the judge of the zillah or city, in which the land, for which the arrear is claimed (or the greater part of it, if in two jurisdictions) may be situated; and if sufficient cause be not assigned, or substantial security given for attending the judge of the jurisdiction in which the land is situated, within a limited period, the party arrested shall be sent in custody of mohussil peons (at the charge of the party claiming the arrear) to the judge of the zillah or city, in which the land may be situated. A statement of the case with the original petition of arrest, and all other papers connected with it, shall at the same time be transmitted for the information of the judge, to whom the party in arrest may be sent in such cases. The petition of arrest, and all papers connected with it, shall likewise be sent to the judge of the zillah or city in which the land may be situated, whenever the party arrested may assign sufficient cause for not being sent as directed; or may give security for his attendance, which shall be accepted whenever substantial security may be offered.

How the judge is to proceed in case a defaulter after such arrest shall not satisfy the party aggrieved.

Or shall not furnish security for his appearance before the judge of the zillah on which the land is situated.

What documents are to accompany the defaulter on such occasions.

In cases whose security is furnished, the petition of arrest and papers connected with it only to be forwarded.

Fourth. When a defaulting tenant, or his surety, may be brought to the court of the zillah or city in which the land is situated, or may attend under security for his appearance, in pursuance of the foregoing clause, the judge shall proceed, as directed in similar cases, by the Regulations in force, when the defaulter or surety may have been arrested within his own jurisdiction.

Judge of the zillah or city where the land is situated will then proceed against a defaulter as directed by the Regulations.

XVI.

Rule for admitting defaulters and their sureties to bail.

XVI. *First.* Section XV, Regulation VII, 1799; Section XIV, Regulation V, 1800, and Section XXXII, Regulation XXVIII, 1803, not containing any provisions for admitting alleged defaulters, or their sureties, to bail, whilst the prescribed summary enquiry is depending before the judge, register or collector; the following additional rule is enacted for the guidance of the zillah and city court in such cases.

Judge on receiving sufficient security, may during a summary enquiry admit a defaulter or surety to bail.

Second. Whenever a dependant talookdar, kutkinadar or other under-tenant of land, or his surety may be arrested, on the demand of an arrear of rent, under the summary process authorized by the Regulations specified in the preceding Section, and may deny that the arrear demanded or any part of it is owing; and such under tenant, or surety, shall tender sufficient security for his personal attendance during the prescribed summary enquiry; it shall be competent to the judge to receive such security, and to admit the tenant or surety to bail, until the enquiry directed to be made in such cases, by examining the accounts and vouchers of the parties, or by referring the case for adjustment to the collector of the district, shall be completed, and a decision passed thereupon.

A. D. 1817. REGULATION XX.

Repealed by B. Act 1 of 1914

A REGULATION *for reducing into one regulation, with amendments and modifications, the several rules which have been passed for the guidance of darogahs and other subordinate officers of Police; for modifying the existing rules concerning the resistance or evasion of criminal process, and for requiring further aid to the Police, in certain cases, from proprietors and farmers of land, and their local managers, as well as from the mundals and other heads of villages.*—PASSED *by the Vice President in Council, on the 7th October 1817; corresponding with the 23d Assin 1224 Bengal era; the 12th Assin 1225 Fussily; the 24th Assin 1225 Willaity; the 12th Assin 1874 Sumbut; and the 25th Zekaad 1232 Higeree.*

WHEREAS it is desirable, that the several rules which have, from time to time, been enacted respecting the duties of the darogahs and other subordinate officers of police, should be revised; and that such provisions as may be necessary should be framed into one regulation, for the better information and guidance of those officers; and whereas it is expedient that the rules at present in force, regarding the resistance or evasion of criminal process, should be modified; that the proprietors and farmers Preamble.

ers of land and their local managers, and the munduls, putwaries and other heads of villages, should be declared responsible for reporting unnatural or suspicious deaths, and for affording due information to the police, whenever any individual of suspected conduct, released from the criminal jail, may resort to dishonest means of livelihood; also that they should be declared liable to penalties for neglecting to afford due aid in supporting the processes of the magistrates, and darogahs of police; and that further provision should be made for transmitting the thannah reports, and other papers to and from the magistrates court where there may not be any public dawks, the following rules have been enacted, to be enforced on their promulgation throughout the provinces subject to the presidency of Fort William.

Provisions of Regulations rescinded.

Provisions of regulations rescinded.

II. *First.* Sections VII, VIII, IX, XI, XII, XIII, XIV, XV, XVII, XVIII, XIX, and XXI, of Regulation XXII, 1793; the Seventh Clause of Section XX, Regulation XXIX, 1793; the Seventh Clause of Section X, Regulation XXXI, 1793; Sections VII, VIII, IX, XI, XII, XIII, XIV, XVI, XVII, XVIII, and XIX, of Regulation XVII, 1795; Section IX, of Regulation IV, 1797; Section VI, of Regulation IV, 1798; the Third Clause of Section XI, Regulation VI, 1801; Section VII, Regulation XXXII, 1803; Sections VII, VIII, IX, XI, XII, XIII, XIV, XV, XVII, XVIII, XIX, XX, and XXV, of Regulation XXXV, 1803; the Seventh Clause of Section X, Regulation XXXVII, 1803; Sections V, and VI, of Regulation XLI, 1803; Sections XII, XIII, XV, XVI, XVII, and XVIII, of Regulation IX, 1807; Sections IX, and XII, of Regulation XIV, 1807; Sections VI, and VII, of Regulation XVII, 1810, and Sections II, and VII, of Regulation VII, 1811, are hereby rescinded.

Provisions of regulations rescinded.

Second. So much of Sections X, and XVI, Regulation XXII, 1793; Sections X, and XV, Regulation XVII, 1795; Section IX, Regulation VII, 1799; Section III, Regulation IV, 1800;

1800; Sections X, and XVI, Regulation XXXV, 1803; Section XIV, Regulation IX, 1807; and Section XI, Regulation I, 1811; as respects the police darogahs or other subordinate officers of the police, is also rescinded.

Appointment and removal of Police Officers.

III. *First.* By the provisions of Regulation XVII, 1816, the zillah and city magistrates (and in certain cases, the superintendents of police) are vested with the power of appointing the cotwals, darogahs and other subordinate officers of the police, of removing them from one station to another, and of suspending and dismissing them from office in consequence of neglect, misconduct, or incapacity.

Appointment and removal of police officers in whom vested.

Second. Such part of Section XII, Regulation V, 1814, as relates to the nomination and removal of naebs, jemadars and burkendauzes, acting under cutwals and darogahs, is hereby rescinded, nor shall the cutwals or darogahs nominate individuals to supply vacancies in their subordinate establishments, except in instances in which they may be especially directed to do so by the magistrate.

Cutwals and darogahs not to nominate subordinate police officers, except when especially directed.

Third. The magistrates will furnish to each police officer on his appointment, a written document under his official seal and signature, specifying the station to which the officer is appointed, and requiring him to perform the duties of it, in conformity with the regulations.

Summud to be furnished by magistrates to police officers on their appointment.

Relative rank and general functions of Officers on the Thannah Establishments.

IV. *First.* The darogahs of police shall exercise a general control over the mohurers, jemadars and burkendauzes attached to their respective thannahs; it shall be the duty of a darogah, or other officer of police in charge of a thannah, to conform to all instructions he may receive from the magistrate, to whom he may

General duties of darogahs and their controul over the subordinate thannah officers.

be

be subordinate; to preserve the peace within the limits of his jurisdiction; to report to the magistrate all occurrences connected with the police, which may come to his knowledge; to prevent, as far as possible, the commission of all criminal offences; to discover and apprehend offenders; to execute process and obey all orders transmitted to him by the magistrate, and to perform such other services as are prescribed in the regulations.

Rank and special duties of the mohurer.

Second. The mohurer shall be considered the second officer at a thannah, and in the absence of the darogah from his station, shall exercise the powers vested in that officer by the provisions of this regulation. It shall be the special duty of the mohurer to preserve the records of the thannah, and to write the reports and other papers under the direction of the darogah.

Rank and special duties of the jemadar.

Third. The jemadar shall be considered as the third officer at a thannah, and in the absence of the darogah and mohurer from the thannah station, shall exercise the same powers as are vested in the darogahs of police by the provisions of this regulation. The police jemadars, whether stationed at the thannahs, or at out-posts, shall act under the orders of the darogah of the division, and shall see that the burkundauzes are in attendance at their posts, that their arms and accoutrements are kept in a state of efficiency; and that all prisoners and property brought to the thannah are duly guarded during the time they may remain under the custody of the police burkundauzes attached to the station.

Police officers generally to obey the orders of the superintendents of police, and joint and assistant magistrates.

Fourth. The officers of police, in pursuance of Sections VI, and VII, Regulation X, 1808; Sections VIII, XI, and XII, Regulation XVI, 1810; and Section XI, Regulation XVII, 1816, are required to aid and support the superintendents of police, and the joint and assistant magistrates, to whom they may be respectively subordinate, in the execution of any process issued by them under their official seals and signatures; also to furnish the

superintendents

superintendents of police, and the joint and assistant magistrates, with every information required from them, as well as generally to obey all orders issued to them by the superintendents of police, and by the joint or assistant magistrates, on pain, in case of neglect or failure, of being fined, suspended, or dismissed from office, under the authority, or at the representation of the superintendent of police, or joint or assistant magistrate, according to the provisions established by the general regulations for the punishment of offences of that description.

Rules regarding the use of a Seal of Office at each Thannah, and the Badges, Arms and Accoutrements of the Police Burkundauzes.

V. *First.* All cutwals and police darogahs shall henceforward use a brass seal of office, an inch in diameter, and made after the form described in the margin, the name of the cutwalee or thannah, and the name of the city or zillah in which it may be included, being engraved on the surface of the seal.

Cutwals and police darogahs to use a seal of office. Its description

Second. The police burkundauzes shall wear brass badges, engraved with the name of the police station, and of the district in which they may be employed; and shall be armed with a spear, and a sword and shield; or with a matchlock, sword and shield, or with a spear and matchlock, as circumstances may render expedient; they shall also be uniformly dressed in such manner as may be prescribed by the court of Nizamut Adawlut through the superintendent of the police.

Burkundauzes to wear a certain badge, its description. Their arms and uniform.

Powers and duties of Police Officers employed at out-posts.

VI. *First.* Police officers stationed, with the sanction of the zillah or city magistrate, at any chokee, village, ghaut, highway, or other place within the limits of a thannah, in pursuance of Section VIII, Regulation XVII, 1816, shall be guided by the following rules as prescribed in that section.

Police officers stationed at out-posts how to be guided.

Second.

Officers so stationed to perform their prescribed duties under the controul of the darogahs.

Second. Jemadars, burkundauzes and other police officers stationed at out-posts, or subordinate chokees, shall act under the controul of the darogah or head police officer of the thannah, to which they may be attached, and shall afford their aid for the prevention of crimes, the apprehension of criminals, and generally for the preservation of the peace, and shall report to the thannah all occurrences relating to matters of police, which may come to their knowledge.

They may apprehend certain description of criminals without a warrant from magistrate or darogah.

Third. The officers of police stationed at out-posts shall be competent to apprehend, without a written charge or warrant, persons found in the act of committing a breach of the peace, or against whom a hue and cry shall have been raised, or who shall be detected with stolen goods in their possession, or who may be liable to apprehension, under the rules in force, as proclaimed, or notorious robbers, or vagrants, without any ostensible means of subsistence; but no person shall be arrested by the subordinate officers of police, except in cases of the nature above noticed, unless under the special warrant of the magistrate, or of the darogah of the thannah to which the out-post may be attached.

Persons so apprehended to be forwarded immediately to the thannah, with a report on the case.

Fourth. Persons apprehended by the subordinate establishments of police shall be forwarded immediately to the thannah to which the out-post may belong, accompanied by an explanation of the circumstances of the case, and of the causes which may have led to the apprehension of the prisoner.

Rules regarding the application of Police Officers for leave of absence, and the deputation of Burkundauzes to the sudder station.

Appointment and salary of persons officiating for police officers, how to be regulated.

VII. *First.* Any police darogah, mohurrer, or jemadar, applying for leave of absence, shall name an individual for the approval of the magistrate, to officiate for him during his absence, and the person who may be appointed to act, shall receive, during his absence, the entire allowances of the police officer for whom he may officiate, or such part thereof as the magistrate shall

ſhall, in each inſtance, judge it proper to fix. The burkundauzes ſhall ſubmit their applications to the magiſtrate through the darogahs; and the perſons nominated to act during their abſence, ſhall receive the entire ſallaries of the individuals for whom they may officiate, or ſuch part thereof as may be fixed by the magiſtrate. In the event of the abſentee's exceeding the period of his leave, the darogah ſhall report the circumſtance for the orders of the magiſtrate.

Second. Whenever a burkundauze may be diſpatched to the magiſtrate's court, the jemadar, or other police officer, by whom he may be diſpatched ſhall deliver to him a certificate, ſhewing the name of the burkundauze, and the date and time of his diſpatch, agreeably to the firſt three columns of the form No. 1, of the appendix.

Burkundauzes diſpatched to magiſtrate's court, ſhall be provided with a certificate. Appendix No. 1.

Third. On the arrival of the burkundauze at the ſudder ſtation, he ſhall proceed to the nazir of the fouzdarry court, who will inſert, in the fourth column of the paper, the date and hour of his arrival, and in the event of any unneceſſary delay appearing on comparing the date of his diſpatch from the thannah with that of his arrival at the ſudder ſtation, will report the circumſtance to the magiſtrate.

Which is to be preſented to the Nazir, who ſhall report any delay.

Fourth. On the departure of the burkundauze from the ſudder ſtation, he ſhall again proceed to the fouzdarry nazir, who will note, in the fifth column, the date and time of his departure, and on his arrival at the thannah ſtation, the certificate ſhall be delivered up to the darogah, mohurer, or jemadar, who, in the event of the burkundauze having loitered on the road, will report the particulars for the orders of the magiſtrate.

Burkundauzes how to proceed on leaving the ſudder ſtation.

Records to be kept and preserved at the Thannah.

VIII. *First.* The police darogahs and mohurers are en-

Police darogahs and mohurers

joined

carefully to preserve and to promulgate all regulations of Government sent to their thannahs.

joined to bind up separately from all other records, and to preserve with care the several regulations of Government, which may be sent to their respective thannahs; and they shall also cause the same to be publicly read for general information, and shall take every favorable occasion of promulgating the rules therein contained.

Rules for the care, preservation and inspection of the thannah books and registers.

Second. The books and registers alluded to in the following clauses of this section, shall be kept up with regularity at the several police thannahs; and darogahs and mohurers, on their appointment to police stations, are required to inspect the records, and to report to the magistrates on the general state of the thannah papers, within ten days after receiving charge. Every police darogah, or thannah mohurer, receiving charge of the records of a police station, shall sign a list of the records delivered over to him, which shall also be signed by the officer delivering over charge; and the list so authenticated by their joint signatures shall be transmitted to the magistrate. An exact counterpart, authenticated in the same manner, shall also be kept at the thannah. The magistrates and their assistants, and the joint magistrates, who may occasionally visit the thannahs, shall avail themselves of any opportunities that may offer to inspect the records, and in the event of their being found deficient, or of any gross neglect in the care of them, the police darogah and mohurer, who may appear culpable, will be liable to dismission, or to a fine, according to the circumstances of the case.

Darogahs to be furnished with blank books for diaries.

Third. The police darogahs shall severally be furnished with blank books for diaries; each book containing 100 pages, to be signed and numbered by the magistrate's assistant, if on the spot, or, in his absence, by the serishtadar, or other head ministerial officer of the magistrate's court.

In these every occurrence to be entered.

Fourth. Every occurrence which may be brought to the knowledge

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Twelfth. A monthly report of crimes and offences agreeably to the form No. 4, of the Appendix, shall be transmitted by the police darogahs, from each police thannah, to the office of the superintendent of police for the division, on or before the 5th of the ensuing month.

Form No. 4, to be periodically transmitted to the superintendents of police.

Thirteenth. The reports and returns submitted by the police officers to the magistrates, shall be written in a clear and legible hand, and shall bear at the foot of the writing the date of the dispatch, according to the era current in the district, and the signature of the police officer by whom the report may be made, and, when the circumstances may admit, the seat of the thannah; all examinations taken and proceedings held by the police officers, shall be superscribed with the date and month of the era current in their several jurisdictions.

Rules for writing and dating of all reports, examinations to be transmitted to the magistrates.

Fourteenth. The papers transmitted by the police officers to the fouzdarry court shall be strung on a thread, the ends of which shall be secured with wax, and the record of each case shall be made up in a separate envelope, and addressed to the magistrate of the district; the name of the thannah, from whence the report may be made, shall be marked on the envelope.

Rules to be observed in transmitting papers to the foundarry court.

Fifteenth. Every process and order addressed by a magistrate to a police officer shall limit a certain time in which it is to be served, executed, and returned to the magistrate's court.

Limited time for the execution of orders and processes to be specified by the magistrate.

Sixteenth. The returns to all orders and processes, and the certificates of the due publication of all proclamations, addressed by the magistrates to the police officers, shall be endorsed, as far as the size of the paper will admit, on the original order or process; and if the length of the return should render it necessary, a separate paper shall be annexed to the original document; and a copy of the return shall be entered in the register prescribed by Clause IX, Section VIII, of this regulation.

Returns to orders, how to be written and registered.

Seventeenth.

In the event of delay in making such returns, the cause to be reported at the expiration of the specified time.

Seventeenth. The police officers shall, to the extent of their ability, carry into effect such instructions as they may receive, within the period specified in the magistrate's order; and if the directions contained in the order or process cannot be entirely carried into effect within the time limited, a report shall be made, at the expiration of such period, of the cause of delay, with specific information when a further and full return will be made, and the original order or process shall be sent to the magistrate, with such final return, endorsed as directed in the preceding section.

Reports to be accurate and concise.

Eighteenth. The darogahs and mohurrers shall be careful to render their reports and returns in as precise terms as possible, and they shall refrain from recapitulating in their returns a detail of the magistrate's orders; and when referring to such orders, shall merely state summarily the nature of the case and the date of the perwannah.

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Rules regarding Dawks, and for expediting the transmission of Official Papers to and from the Thannahs.

Importance of securing the speedy transmission of information.

X. *First.* To facilitate the communication between the magistrate's court and the stations of the darogahs of police, and to enable the magistrates to obtain speedy information of the occurrence of crimes, as well as with the view of preventing the unnecessary confinement of persons, who may be detained in custody, pending an enquiry of the police officers, or trial before the magistrate, the magistrates and the native officers of police are required to attend, as far as may be practicable, to the directions contained in the following rules.

Superintendence of despatches by dawk, in whom vested.

Second. The superintendence of the dispatch by dawk of perwannahs to the police darogahs, and of reports from the officers of police to the magistrate's court, shall be entrusted to the nazirs of the criminal courts, and to the thannah mohurrers, who shall be held responsible for the speedy transmission of the packets to and fro; and shall report to the magistrates all instances of delay which may come to their knowledge.

Third.

Third. As far as circumstances may admit, the magistrate's orders to his police officers, and the thannah reports, whether addressed to the magistrates or to the superintendants of police, shall be transmitted by the Government dawk; and all dawk officers in the Company's provinces are required to receive, and convey, free of expense, such orders and reports, the same being superscribed with the name and official designation of the public officer by whom the papers may be dispatched; together with the words "Kar Sutkar," to denote that they relate to the public service.

All Government dawk officers, throughout the provinces, to convey orders and reports free of expense.

Fourth. In cases, where a thannah station may be situated at a considerable distance from the route of the Government dawk, the magistrates, in communication with their police officers, shall establish dawk stations between the thannahs, or from the thannahs to the magistrate's court, at proper distances, according to local circumstances, but not in any instance exceeding five cos, and the land proprietors and farmers of land, or their local managers, shall be called upon to name and appoint the requisite number of peons or pykes (not being village watchmen) for the performance of this duty. In places where no establishment of regular police officers may be stationed, they shall also be required to fix on a particular house in the village, where the peons or pykes may at all times be found without delay, and to name the mundul, putwaree or other person in the village, whose business it shall be to receive and forward the papers transmitted by the dawk; a statement after the form No. 8 of the Appendix, shall be prepared and kept up at each thannah station; and it shall be the duty of every darogah, on his appointment to a thannah, to see that this paper is included in the records of the thannah, as well as that the dawk for the conveyance of the magistrate's perwannahs and the thannah reports is duly regulated, and the peons or pykes maintained by the landholders, farmers or managers, at the appointed stages.

Establishment of subordinate dawk stations.

Peons and pykes to be appointed by zemindars for this duty, where there is no regular dawk.

General duties of darogahs on this point.

Fifth.

Penalty in case of landholders, &c. neglecting the above rules.

Fifth. The landholders, proprietors and farmers of land, with their local managers and heads of villages, shall be held responsible for a due observance of the foregoing rules, and shall be liable, on proof before the magistrate, of wilful disregard of these provisions, especially after a previous admonition, to be punished by a fine, not exceeding 100 rupees, commutable, in default of payment, to confinement in the civil jail for any period, not exceeding one month.

Rule to prevent delay in transmission of papers by such dawks.

Sixth. The nazir of the magistrate's court shall forward by the dawk, every day at the same hour (except when otherwise specially instructed by magistrate) all perwannahs and papers addressed to the respective thannahs, which the magistrate may direct to be transmitted by the dawk; and shall write on the envelope of each packet the date and time of dispatch. It shall likewise be the duty of the nazir to record on the envelope of all reports received from the thannahs, the date and time of their receipt.

Further rules for the transmission of thannah reports.

Seventh. All reports and papers transmitted by the dawk from the police thannahs shall be addressed to the magistrate, and the seal of the thannah shall be affixed to the envelope; the mohurrer shall specify on the envelope the date and hour of dispatch; and in cases where the papers of one thannah may be left at another thannah on their transmit to and from the magistrate's station, the mohurrer of the latter thannah shall forward such papers; noting on the back of the envelope, the date and hour of the arrival and departure of the dawk.

Darogahs to transmit by dawk or otherwise, reports and papers entrusted to them by the native commissioners.

Eighth. The police darogahs and their mohurrers are required to forward by the thannah dawk, or by the hands of their burkundauzes, as occasions may offer, such reports and papers, as may be sent to them by the native commissioners, for the trial of civil suits, for the purpose of transmission to the judge of the district; and they shall grant receipts to the native commissioners for such papers as may be delivered to them.

Prohibiting

Prohibiting various irregular practices on the part of the Police Officers.

XI. *First.* No police darogah, mohurrer, jemadar, or burkundauze shall trade or keep any warehouse, or shop for wholesale, or retail, within the limits of the thannah to which he may be appointed.

Police officers shall not trade.

Second. The darogahs of police are prohibited from employing the burkundauzes of their thannahs on their own private affairs, under penalty of fine and dismission from office.

Darogahs shall not employ police officers on their own private affairs.

Third. Whenever a summons or warrant, or other criminal process may be served by a burkundauze, or other police officer receiving pay from Government, no diet money or other allowance or gratuity shall be demanded, or received from the complainant or the accused, or from any witness or other person; and the demand or receipt of such by any police officer, directly or indirectly, in violation of this rule, shall be punishable as a criminal offence, on conviction before the magistrate or court of circuit. The offender shall also be compellable, either on a criminal prosecution, or by a civil action, to refund the amount received, besides being liable to immediate dismission from office, under the provisions contained in the existing regulations.

Penalties in case of a police officer's receiving or demanding money from any of the parties in a criminal process.

Fourth. The police darogahs are enjoined, under penalty of dismission from office, not to permit any established vakeel or mokhtar to be permanently employed at their thannahs, on the part of any landholder, farmer, local agent or other person. But this rule is not meant to preclude the occasional employment of a vakeel, or mokhtar, for any specific purpose when it may be necessary.

Darogah to prohibit the permanent employment, at his thannah, of the agent of any landholder or farmer.

Fifth. The darogahs and other mofussil police officers are prohibited from employing any mokhtar or vakeel at the station of

Without special authority, no darogah shall employ a vakeel

at the magistrate's court on official business.

of the zillah or city magistrate, for the purpose of receiving and transmitting the salaries of the thannah establishment, or for any other purpose, connected with their public functions, except in particular cases, wherein they may be specially authorized by the magistrate to employ a vakeel.

Except in cases of emergency, no extra mohurrers shall be employed at thannahs without sanction of the magistrate.

Sixth. No mohurrers or writers, excepting those on the police establishments paid by Government, shall be employed at the thannahs without the previous sanction of the magistrate, except in cases of emergency, which will not admit of delay. In the event of any police darogahs requiring the assistance of additional mohurrers, in consequence of a stress of business, he shall report the circumstance for the orders of the magistrate.

No professional spy to be employed by darogahs without express sanction of magistrates, but to encourage individuals to give information, with a view to the apprehension of notorious offenders.

Seventh. The darogahs are prohibited from encouraging, or employing, without the knowledge or express sanction of the magistrate, any goindahs or spies, who may earn a livelihood by the profession of an informer, and they shall apprehend, and send to the magistrate, any persons who may give out that they are employed as goindahs by the magistrate, or by the superintendent of police, unless such persons can shew a written authority from the magistrate or from the superintendent of police. The above provision shall not be construed as precluding the police officers from employing persons to trace offenders, who may have eluded the pursuit of justice; or from encouraging persons to furnish information, by which robbers, or other known criminals may be discovered and apprehended. On the contrary, the darogahs shall encourage such persons to communicate all the information possessed by them, and shall report to the magistrate any instance of meritorious service on the part of any such individual, by which offenders may be brought to justice, whether the individual may have personally exposed himself to trouble and risk in securing the offender, or may have merely supplied the necessary intelligence to the police officers.

Charges

Charges not cognizable by Police Officers.

XII. *First.* The darogahs and other native officers of police are prohibited, under pain of dismission from office, from taking cognizance of any charge of adultery, fornication, calumny, abusive language, slight trespass, or inconsiderable assault.

What crimes the darogahs are prohibited from taking cognizance of.

Second. Persons preferring to the native police officers charges of the nature specified in the preceding clause, shall be referred by those officers for redress to the magistrate's court, and informed that cognizance cannot be taken of their complaints at the thannahs; and the darogah or other police officer, to whom any such charges may be presented in writing, shall record, in the thannah diary, herein after prescribed, the name of the complainant, the nature of the charge, and the date on which it may be rejected. The date and ground of rejection shall also be endorsed on the written plaint, to be returned to the complainant.

Persons bringing forward complaints of the above description, to be referred to the magistrate.

Third. The darogahs and other police officers are likewise prohibited from admitting compromises or razeenamahs in any cases, and from interfering in any matter which may not be expressly provided for in this, or in any other regulation, as well as, in all cases, from passing sentence upon any complaint, from imposing a fine or inflicting any punishment, and from making any exaction from the prosecutor or the accused, or their respective witnesses, or from any other persons whatsoever.

Police officers prohibited from admitting compromises, from interfering in any matter not authorized by the regulations and from inflicting punishment and exacting money.

General duties of Police Officers on receiving charges or information of heinous offences.

XIII. *First.* On receipt of any charge or information of murder, robbery, theft, burglary, homicide, maiming, wounding, actual affray, or other heinous offence, not excepted by this regulation from the cognizance of the police darogah, the statement of the prosecutor or informer shall be certified on oath, or if the

Upon receiving information on oath, or on a hulfnama, of a crime cognizable by him, the darogah shall enquire into the circumstances, and examine, publicly or pri-

vately, witneſſes to the fact.

the perſon be of ſuch a rank or caſt as would make it improper to compel an oath, by a ſolemn declaration, after the form No. 9 of the Appendix to this regulation; and ſuch enquiry ſhall be made as may be neceſſary to elucidate the circumſtances of the caſe, and if there are any witneſſes to the fact or perſons acquainted with the particulars they ſhall be queſtioned, without oath, either privately and apart or publicly, as may appear moſt conducive to the attainment of the truth.

Evidence not to be detailed, but the ſubſtance only to be tranſmitted to the magiſtrate.

Second. It ſhall not be conſidered neceſſary to take down in detail the queſtions and anſwers of the witneſſes, but the ſubſtance of any material information obtained from them, ſhall be reduced to the form of a fooruthal, or keyfeeut, which document ſhall be authenticated by the atteſtation of the perſons examined, and tranſmitted to the magiſtrate under the ſignature of the police officer, by whom the enquiry may be made; the evidence of the eye witneſſes being diſtinguiſhed, in the report, from that of perſons depoſing from hearſay.

Sketch of the ſpot to be tranſmitted under certain circumſtances, and date of occurrence to be accurately noted.

Third. In caſes of murder, gang robbery, burglary, attended with wounding or other violent crime, where the circumſtances of the caſe may be elucidated in a greater degree by a ſketch or plan of the ſpot, the ſame ſhall be prepared, if it can be done without ſubjecting the inhabitants to inconvenience; and ſubmitted with the report. The police officers ſhall alſo be careful to aſcertain, in all caſes, the exact date and time of the day or night when the offence charged may have been committed; and ſhall record the date, according to the Bengal, Fuſſily, or other era current in the diſtrict.

Darogahs ſhall not ſwear witneſſes, except in caſes ſanctioned by ciguzion.

Fourth. The police darogahs are prohibited from ſwearing witneſſes to the truth of their depoſitions, on any local inveſtigation which may be made by them into the circumſtances of any murder, robbery, or other crime, or in the performance of any other

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of their duties unless the same be expressly sanctioned by the provisions of a regulation applicable to the case.

Fifth. The officers of police shall endeavour, as far as practicable, to complete the enquiry in the first instance, and to collect all attainable evidence, and to bind over all the witnesses, necessary for the trial, to appear before the magistrate at the time when the report may reach the magistrate's court, in order that the case may be tried without unnecessary delay. The darogah shall send in with the chelan or dispatch, any burkundauzes or other subordinate police officers, whose evidence may be necessary on the trial of the case; and if the whole of the witnesses cannot be found at the time of transmission of the chelan, the darogah shall endeavor to collect them, and shall send them in without waiting the instructions of the magistrate.

Darogahs to endeavour to dispatch all evidence, and to secure the attendance of witnesses in due time, so as to prevent delay in the enquiry.

Sixth. In cases wherein the offenders are unknown, or though recognized, may not have been apprehended, the prescribed local enquiry into the circumstances shall, notwithstanding, be made without delay, and the police darogah shall transmit an immediate and full report of the result to the magistrate, for his information and orders. But the witnesses shall not in such cases be sent to the magistrate, nor bound over to attend him without his special instructions for the purpose.

When the offenders are unknown, the witnesses to the enquiry shall not be bound over to attend without special orders from the magistrate.

Seventh. In all cases where the offender may be known and may have absconded, the police officer conducting the enquiry shall ascertain and describe the person of the offender, specifying also his name, and that of his father, as well as his usual place of residence, in order that he may hereafter, if necessary, be fully identified.

Names and persons of known, but absconding offenders shall be accurately described.

Eighth. If, in the conduct of an inquiry, the person accused or suspected should appear to have been guilty of more than one offence

Separate reports to be made when a person shall, in the course of en-

police, appear to have been guilty of mere trivial offence.

Or when reminders shall have been negligent in reporting.

offence, cognizable by police officers; or, if any misconduct or neglect in matters of police should attach to any zemindar, farmer, local agent, village-watchman, or other person, whose duty it may be to aid the police, the police darogah shall institute a distinct enquiry on each case, the result of which shall be transmitted to the magistrate in separate reports and despatches.

If any person sent to the magistrate's court shall be known to have been formerly apprehended, the date of the former case shall also be reported.

Ninth. Whenever any person may be apprehended and sent to the magistrate's court, under the provisions of this regulation; and it may be known to the police darogah, or other officer presiding at the thannah, that such person has been apprehended on a former occasion by the police on any other account, the darogah or other officer, reporting on the case which may be the ground of his present apprehension, shall state also the offence for which the prisoner may have formerly been arrested, and if practicable, shall ascertain from the thannah papers and report the year and date of the record of the case referred to.

Rules when darogahs shall have occasion to leave their thannahs.

Tenth. The darogahs of police, when they may proceed from their thannahs for the purpose of making any local enquiry, or for the performance of any other public duty, shall state in their reports the date and time of their departure from the thannah station, and the date and time of their arrival at the place of their destination, and also of their return to the thannah. The month and year to be used on all such occasions, as well as generally in the reports of the police darogahs, shall be those of the current era of the district, whether the Bengallee, Fusily, or Wallaity.

Reports to be dated in the current era of the district.

Rules for holding Inquests on occasions of Murder, Homicides, Wounding, and unnatural Deaths.

Landholders and others held responsible for the early communication of unnatural or suspicious deaths.

XIV. *First.* The principal persons residing in villages, whether landholders or farmers, or other local managers or munduls, putwarries or other heads of villages, are hereby declared responsible for the early and punctual communication to the officers of the nearest police station, of all unnatural deaths, or deaths attended

tended with suspicious circumstances, which may come to their knowledge; and any landholder, farmer, manager, or other principal inhabitant of a village, who may be convicted of wilfully neglecting or delaying to furnish the information above required, shall be liable to be fined by the magistrate, in any sum not exceeding 200 rupees; and in default of payment, to be confined for any period of imprisonment, not exceeding six months.

Penalties for neglect.

Second. In all cases of murder, unnatural or suspicious death, or violent and dangerous wounding, the darogah of police shall make it an invariable rule immediately on receiving information to repair in person to the spot on which the dead body, or person wounded, may have been found, or if prevented from going personally, shall depute a proper officer; and on such occasions the following rules shall be strictly observed.

On receiving information of such cases, the darogah shall immediately proceed in person or dispatch an officer to the spot.

Third. That they question privately in the first instance any relations, connexions, friends, or neighbours of the deceased, or of the person wounded, who may be able to state the circumstances of the case; and that they endeavor to collect, before the inhabitants shall have assembled for the public inquest, such information as may guide their enquiries in the conduct of the investigation.

Connexions or neighbours to be questioned in the first instance.

Fourth. That they question the individual wounded, and require him, if he is able to speak, to name and describe on oath the person by whom he may have been wounded, the names of the persons present when the act was committed, and, generally, the circumstances under which the crime was perpetrated.

Individuals severely wounded, to be required to describe the circumstance on oath.

Fifth. That they examine the body of the person wounded, or, in cases of death, the dead body, with a view to ascertain the number of wounds or other corporal injuries; the length, breadth and depth of each; with what weapons the wounds or hurts may have been given; and the parts of the body in which they may

Rules for inspecting the body of the deceased, or of the wounded person.

have

have been received, and that they record the same either at the foot of their sooruthal or report, or on a separate paper to be annexed to the report.

Rules for the description of the place where the body was found.

Sixth. That they describe particularly the spot on which the wounded person or the dead body may have been found; and that they report whether the crime appears to have been committed on the spot, or whether the individual wounded, or the dead body, appears to have been brought and laid there; also in cases of alleged suicide or of accidental death, whether the circumstances under which the body may be found are such as to warrant a conclusion, that the deceased had met with his death from his own hands, or by misadventure, or whether any, and what grounds may exist for believing the deceased to have been killed by the hands of others; and further, that they ascertain the name of the person wounded or of the deceased, if any person present should recognize him.

If the deceased be a stranger, to ascertain where he was last seen.

Seventh. That if the person killed shall appear to be a stranger, and his name shall not be known, they endeavor to ascertain where he was last seen, or where he slept the night before.

If the offenders shall not be speedily discovered, to ascertain whether any person in the neighbourhood bore enmity to the deceased.

Eighth. That in cases in which the offenders may not be immediately discovered, or the cause of the murder or unnatural death or wounding may be unknown, the police officer, conducting the enquiry, endeavor to trace whether any enmity, ill-will, jealousy, or other cause of dissension subsisted between the wounded or deceased, and any other person or persons in the neighbourhood, and if so, the particulars of the disagreement; when and under what circumstances the wounded or the deceased, and the persons said to bear him ill-will, may last have been seen in company, and whether any and what angry expressions had been used by the parties; moreover, in cases in which there may be reason to believe, that the

the unknown offender has received any wound, or other corporal injury from resistance in the perpetration of the crime, they shall question the hujjams, village surgeons, washermen, or other persons residing in the vicinity, who, from their profession, may be likely to afford information, leading to the discovery of the offender in such cases.

When the unknown offender is supposed to have been wounded, to examine the neighbouring village surgeons.

Ninth. That the above enquiry be made and committed to writing in the presence of creditable people, resident on the spot or in the neighbouring villages; and that they require a sufficient number of persons present to subscribe their names to the paper, which is likewise to be attested by their own signature, and forwarded without delay to the magistrate.

The foorthal to be attested by the darogah or police officer, and by a sufficient number of people, who may have been present.

Tenth. In cases of murder, it shall be the duty of the officers of police to endeavor to obtain and secure the weapon or instrument with which the crime may have been committed, in order that the same may be produced and identified at the further stages of the enquiry or trial for the offence.

In cases of murder, the instrument or weapon to be procured, if possible.

Eleventh. In cases of wounding, the darogah or other police officer, conducting the enquiry, shall endeavor to obtain for the person wounded such surgical assistance as may be procurable, and, if the wounds are severe, the individual wounded shall not be moved or sent to the magistrate's court, until he may be able to travel without inconvenience or risk. The police officers are further directed to notify to the inhabitants, as occasion may offer, that, in the event of any person being wounded by robbers or others, in such manner that he cannot be conveyed to the thannah, without hazard of his life, it is not necessary to remove such person from the place where he can be best taken care of, but that immediate notice must be given at the thannah, that the police officer may proceed to the spot, in conformity with Clause 2d of this section, and make the enquiry therein prescribed.

Assistance to be procured for wounded persons.

Not to be moved so long as risk attends it.

Twelfth.

Rules for the disposal of the body, in cases of murder or unnatural death.

Twelfth. In cases of murder or unnatural death, the police darogah shall, on ordinary occasions, when he has completed his enquiry, either make the body over to the charge of the relations of the deceased, or shall cause it to be buried, or burnt on the spot, as the usages of the country and religious persuasion of the deceased may render proper; and it shall not be considered necessary to send the corpse for the inspection of the magistrate; except in cases of murder by poison, or on occasions where the injury sustained by the deceased may be of a doubtful nature, requiring the inspection and report of a surgeon, in which cases the darogah shall, if the state of the weather and the distance from the magistrate's court will admit of the body being transported without risk of putrefaction on the road, forward the corpse covered with a cloth, in the most decent and expeditious manner practicable, to the magistrate's place of residence.

Enquiries to be made by the Police Officers in cases of Gang-Robbery, Burglaries and other heinous Offences.

In cases of robbery by open violence, and certain other heinous offences, the darogah will proceed to the spot or dispatch an officer.

XV. *First.* In all cases of gang-robbery, or other robbery by open violence, as well as in every instance of a heinous crime, attended with a violent breach of the peace or other circumstances of aggravation, the police dorogah, in whose jurisdiction the offence may occur, shall, if practicable, proceed in person to the spot without delay, transmitting an immediate report of the occurrence and of his departure from the thannah, for the information of the magistrate. If unable to proceed in person, or if the case be not of a heinous nature, nor attended with circumstances of aggravation, the darogah shall be at liberty to depute a fit person from among the officers acting under him, to ascertain the facts and circumstances of the case, and to procure all the information which it may be practicable to obtain for the discovery and apprehension of the offenders.

Detail of the enquiries to be

Second. The Police officer making local enquiries of the description

cription specified in the preceding section, shall be careful to ascertain and record the day and hour when the fact was committed, the situation of the place, the names and descriptions of any persons who may have been recognized as the perpetrators of the crime, by who such persons have been seen and known, and the names and description of any person suspected of being concerned in the offence committed, with the grounds of such suspicion. Also a full recital of the manner in which the crime has been effected, and in cases of robbery of the articles of property plundered, the direction in which the robbers may have fled; whether they had torches, and any, and what arms; whether they attempted to conceal their persons during the robbery; whether any arms or articles of property belonging to the robbers were picked up after the outrage; and, if so, whether any person in the neighbourhood has recognized such articles, whether any number of persons were known to have assembled at any liquor shop, Fakeer's muth, or other place immediately preceding the occurrence of the robbery, and, if so, the general character of such persons, whether the landholders and farmers or their local agents took any and what measures, immediately after the occurrence for the discovery and apprehension of the offenders; whether the village watchmen were present, and shewed a proper degree of attention and alacrity on the occasion, or otherwise; whether there are any persons of notorious bad character in the neighbourhood, or persons who have before been punished for robbery and discharged from jail, and, if so, where such persons were at the time of the commission of the offence.

pursued in such cases.

Third. The foregoing enquiries shall be made and committed to writing on the spot, in the form of a sooruthal or report, and in the presence of three or more creditable inhabitants of the neighbourhood, by whom it shall be attested, and the papers shall be forwarded without delay for the information of the magistrate.

Such enquiries are to be committed to writing, and attested by three or more respectable inhabitants of the neighbourhood.

Fourth. It shall further be the duty of the police officers on occasions

Caution against information be-

ing withheld in the first instance.

occasions of the description above mentioned, as well as in cases of murder and unnatural death, to apprize the persons present at the enquiry, that their suppression or denial of any knowledge, which they may possess relative to the prepetrators of the crime, will tend to invalidate their testimony, in the event of their deposing to such knowledge at a future period. They shall, at the same time, give encouragement to all persons not accomplices or accessaries, who may have been present at the commission of a crime, to make a full communication of every fact and circumstance within their knowledge, respecting the offenders, and shall take their information or evidence with such precautions of secrecy, as may be deemed requisite, where persons supposed to have recognised any of the offenders may appear to be deterred from publicly naming them, under fear of the consequences, if the parties should not be apprehended.

Instances of burglary and theft, or attempts, shall be reported.

Fifth. The darogahs of police shall invariably report to the magistrate every instance of burglary and theft, which may be brought to their knowledge or otherwise, as well as of the attempts in which the offenders may not have succeeded in carrying off property.

Accuracy to be observed in the date of the offence and description of the circumstances.

Sixth. In cases of burglary the police officer conducting the enquiry shall attend to the foregoing instructions, regarding enquiries in cases of robbery, as far as the same may be applicable, and shall be careful to ascertain and report the time of the day or night at which the offence was perpetrated, and the means used in effecting an entry into the habitation, and if by breaking or cutting through a wall, mat, or other partition, the length and breadth of the aperture, also whether the house or apartment into which a burglarious entry may have been effected, is used as a place of residence, or for the custody and preservation of property.

Seventh.

Seventh. Police officers making enquiries in cases of robbery, burglary and theft, shall require the village chokeedars, the land-holders and their agents, and the inhabitants of the place, where the offence may be committed, to state whether they suspect any and what persons of having committed the offence; and, if so, the grounds of their suspicion, after which, they shall take the necessary measures to ascertain how far such suspicions may be well founded, and where the persons suspected may have been at the time the crime was perpetrated.

Information to be required from the zemindars and others.

Search for plundered or stolen Property.

XVI. *First.* The search for plundered or stolen property, whether under the special orders of the magistrate, or under information received by the native officers of police, shall be conducted agreeably to the following rules.

Search for stolen property how to be conducted.

Second. The darogahs of police are prohibited, except under the special orders of the magistrate, from searching the interior of any house or building for stolen or plundered property, unless a list of the articles missing be delivered or taken down in writing at the thannah, with a declaration stating, that a robbery has been committed, and that the informant, whether he be the owner of the property or accomplice in the offence, or other person, has substantial ground to believe that the property is deposited in such house or place.

Without a written declaration, officers shall not search the interior of any building, except by special orders of the magistrate.

Third. In the case of search-warrants issued from the magistrate's office, the police officers shall report the execution of the process on the back of the warrant.

Execution of search warrants to be reported.

Fourth. The darogahs, when not especially instructed by the magistrate, shall transmit all representations made to them, regarding the receipt or concealment of plundered or stolen property, at or before the time when they may proceed to the search, for the information of the magistrate, and for any orders which he may

Representations regarding stolen property to be sent to the magistrate for his orders.

may deem it necessary to issue on the subject. They shall also take the necessary precautions for preventing any such property from being clandestinely removed.

Particulars relating to the search.

Fifth. The search for plundered and stolen property shall be proceeded on without previous notice being given to the owners or inhabitants of the house, and shall uniformly be made in the day time, unless there shall be substantial reason to believe, that in case of any delay, the property sought will be removed. The process shall invariably be conducted by the darogah, mohurer, or jummadar in person; and if the darogah cannot himself proceed, he shall issue a warrant according to the form No. 10 of the Appendix. The search shall be made in the presence of three or more respectable inhabitants of the village, in which the house or place searched may be situated, who shall subscribe their names to the report made to the magistrate's office, and an opportunity shall, in every instance, be afforded to the occupant of the house of attending the search.

What persons to be present.

Surreptitious introduction of articles into the house to be carefully guarded against.

Sixth. In conducting the search directed by the preceding rules, the police darogahs shall be careful that no articles of property are surreptitiously introduced into the habitation at the time of search, and no prosecutor or informer, or any other person, shall be permitted to enter, unless he allows himself to be strictly examined in the first instance.

Rules to be observed in searching zenanas.

Seventh. Should the occupant of the house, ordered to be searched, be of such a rank in society, as would render it improper and objectionable, according to the prevailing opinions and usages of the country, for the officers of police to enter the zenana or apartments of the women, the police officers shall give due notice for the removal of any women within the zenana; and after furnishing means for their removal in a suitable manner, (if they be women of rank, who, according to the customs of the country, cannot appear in public,) shall enter the zenana apartments for the purpose of completing the search, using at the same time every precaution,

precaution, consistent with these provisions, for preventing the clandestine removal of property.

Eighth. If, on examining the premises ordered to be searched, any property be discovered, which shall be alleged, by the complainant or informer at whose instance the search may be made, to have been stolen or plundered, or which there may be any other reasonable ground to believe has been acquired by theft or robbery, the darogah or other officer of police, by whom the search may have been conducted, shall endeavour to trace the actual proprietor, from whom the property may have been stolen or plundered, and shall question the occupant of the house regarding the means by which the property was obtained; and in the event of his being unable to give a satisfactory explanation, shall forward the property, together with the person in whose house it may have been discovered, to the magistrate.

The person in whose house property alleged to be stolen is found, being unable to give a good account of the same, shall be forwarded to the magistrate.

Ninth. Should any suspicious property be discovered in the course of a search conducted under the foregoing provisions, and should no person lay claim to the same, the police darogah shall compare the articles with such lists of property stolen or plundered, as may have been previously delivered into the thannah in other cases, and recorded in the register prescribed by Clause Thirteenth, Section 8, of this Regulation; and in the event of the property corresponding with the amount given in the list, shall either send the articles for the inspection of the supposed proprietor, or shall summon him to the thannah for the purpose of identifying his property.

Rule for the disposal of unclaimed suspicious property.

Tenth. On the occasion of searching a house under the foregoing rules, the police officer shall be careful to notice the particular spot, in which the property may be found, the time of finding, and the name of the finder, and all property which may be claimed as having been stolen or plundered, as well as all property of a suspicious nature found on persons charged with robbery,

All particulars regarding property so found, shall be carefully transmitted to the magistrate.

bery, burglary or theft, or which may be seized by the officers of police under suspicious circumstances; shall be forwarded without delay to the magistrate, together with a despatch, drawn up under the form No. 3 of the Appendix. A copy of the despatch being registered as prescribed by Clause Eleventh, Section 8, of this Regulation; the original shall be given to the burkundauze, charged with the conveyance of the property, to be delivered to the nazir on his arrival at the sudder station.

Rule for transmission of valuable articles of small bulk.

Eleventh. Articles of value, and of small bulk, shall be fastened up in a box, petarah, or bag, and the seal of the thannah affixed. Each article of property shall have a separate number (written on paper with the seal of the thannah attached to it,) to correspond with the number contained in the first column of the despatch; and darogahs, when describing the property in their reports, shall invariably quote the number affixed to each article.

Unclaimed or suspected property only shall be removed, not to be restored without magistrate's order.

Twelfth. No property shall be removed from a house by an officer of police unless it be claimed or recognized as having been stolen or plundered, or considered to be suspicious; and no property, once removed, shall be returned without the special instructions of the magistrate.

In heinous cases, a list of property plundered to be affixed in a conspicuous place, and due notice given.

Thirteenth. On the occurrence of a heinous robbery, burglary or theft, the darogah of police shall transmit a list of the property plundered or stolen, to the proprietor or manager of the estate, in which the crime may have been committed, with an injunction to cause the list to be affixed in a conspicuous place, and also published in the several bazars and hauts, situated in the estate; at the same time requiring all gold and silver smith, retail dealers, and other persons, to give notice to the officers of police against persons offering such articles for sale.

Enquiries to be made from pers.

Fourteenth. Whenever the person, in whose possession stolen

or

or plundered property may be found, shall deny all knowledge of the theft or robbery, and assert that he procured the property by honest means; the darogah, or other police officers conducting the enquiry, shall require such person to state the circumstances under which he became possessed of the property, and shall endeavor to ascertain through whose hands it may have passed, as well as to trace the persons by whom the robbery or theft may have been committed.

sons in whose possession the property may be found.

Fifteenth. Any person, who may find within his house or premises, property not his own, which he may have reason to believe lost or stolen property, or to have been deposited within his house or premises with a malicious intent, shall, within twenty-four hours after finding such property, convey it to the nearest police darogah and report the circumstances attending the discovery of the property. The darogah shall commit to writing the circumstances which may be stated by the person finding the property, and cause the same to be signed by him and attested by two or more witnesses present. Such attested writing, together with the property found, shall then be forwarded by the darogah without delay to the magistrate.

Person finding suspicious property in his own house or premises, how to proceed.

Sixteenth. All unclaimed property, whether cattle, boats, timbers, or other goods or chattels, shall be considered as belonging to Government, and the darogahs of police shall forward any property of this description, which may come into their hands, to the magistrate of the district in which they may respectively be employed; or if any article of unclaimed property cannot be easily moved, the darogah of police shall make over the charge of such article to the local zemindar, manager or head person of the village, until the orders of the magistrate in regard to its disposal can be obtained.

Unclaimed property to belong to Government. Rules for its transmission.

Seventeenth. The darogahs and other police officers shall be entitled to a commission of ten per cent on the value of all property

Ten per cent. of the value of stolen property to be granted.

to the recovering officers.

perty stolen or plundered, which they may recover. The commission is to be paid by the owners of the property, which is to be fairly valued by the magistrate, or by any creditable and competent person, whom he may appoint for that purpose. The magistrate is to cause the commission, in the case above directed, to be paid by the owner or his agent to the darogah, or other police officer to whom it may be due, and, if necessary, may cause a part of the property to be disposed of by public sale, for the purpose of making good the amount.

Duties of Police Officers with regard to Coiners and Utterers of Base Coin.

Darogahs shall search houses of persons, accused upon credible evidence, of coining, &c. and transmit to magistrate coins, implements and accounts, together with the offenders.

XVII. The darogahs of police shall apprehend and send to the magistrate all persons uttering base coin, and knowing it to be such, or who may be charged with counterfeiting or debasing the current coin. On the receipt of credible information they shall, under the provisions of Section XVI, proceed to search the houses of persons accused of manufacturing or knowingly uttering base or counterfeit coin, and shall seize and transmit to the magistrate any such coin which may be found, together with all implements used for the purpose of debasing or counterfeiting the coin; also all books of accounts relating to the sale, or circulation of base coin, together with such evidence as may be procurable to establish the offence imputed to the accused.

Duties of Police Officers in the prevention or suppression of Affrays and Riots.

Officers of police to be present at fairs, festivals, &c.

XVIII. *First.* The darogahs of police shall proceed in person, or depute one or more of their officers, as circumstances may require, to attend and maintain the peace at fairs, and during the celebration of festivals, at all places where any considerable number of persons may be collected together.

On notice given

Second. On receiving intimation of any tumultuous meeting or

or assemblage of persons, or of any projected riot or serious disturbance, whether arising from trespass or disputes regarding land, crops, tanks, water-courses, reservoirs, or other causes; the darogahs of police shall either proceed in person or cause the mohurer, or jummadar, to repair immediately to the spot, and the police officer employed on such duty shall, in the first instance, proceed to the residence of the zemindar, talookdar or farmer, in whose estate or farm the disputants may be said to be, and require him instantly to cause them to disperse; acquainting him that the land or crop in dispute will be liable to confiscation, if any affray ensue.

en of intended affray, officers shall require zemindars to disperse the people, on pain of confiscation of the matter in dispute.

Third. In the event of this measure proving insufficient, he shall endeavor to prevail on the parties to disperse, and either to adjust their differences amongst themselves by arbitration or punchaet, or to have recourse to a court of judicature for the decision of their claims. In the event of such endeavors proving fruitless, the police officer, who may be present, shall declare aloud, that if any person is killed, wounded or violently beaten, all persons concerned in the affray will be brought to trial before the criminal courts. The police officers will, at the same time, strive to seize the leaders, or principal offenders; and in the event of their failing so to do, they will endeavor to ascertain their names and places of abode, and to collect sufficient evidence, if practicable, from persons unconnected with the parties, of the circumstances of the affray, the causes which led to it, and who were the first aggressors; and, after taking these steps, shall set people to watch the further proceedings of the parties; and immediately communicate the whole of the particulars to the magistrate, who will adopt the necessary measures for bringing the offender or offenders to condign punishment.

He shall endeavour to induce them to disperse, or to submit their dispute to arbitration; he shall proclaim aloud the consequences of a breach of the peace, and take certain measures to mark the guilty.

Fourth. The officers of police are required to proceed to the spot as above directed, and use every precaution to prevent affrays, but they shall confine themselves to maintaining the peace

Darogahs shall not depute burkundazes to defend the property of either party.

peace, and shall on no account take part with, or afford assistance to either side, in the dispute; and darogahs are strictly prohibited, unless under the special instructions of the magistrate, from deputing burkundauzes, or muskooree peons, to defend the property of either party, applying for the aid of the police, on the ground of alleged apprehension of affray.

Disputed land or crops shall be described and boundaries sketched.

Fifth. If the cause of dispute be land or crops, the darogah, in his report to the magistrate, shall describe the land contested, or the quantity or quality of the grain, and in boundary disputes where the claims of individuals may be better explained by a plan of the ground, shall prepare and transmit, with their reports, a sketch shewing the outline and general position of the portions of land claimed by the contending parties.

Duties of Police Officers in receiving confessions, and in the treatment of Prisoners generally.

Examinations of prisoners to be taken without oath, in the presence of three or more credible witnesses.

XIX. *First.* Whenever any person may be apprehended and brought before a darogah, or other police officer, under the provisions of this Regulation, the examination of the prisoner shall be taken without oath, in the presence of three or more credible witnesses, who are to attest the examination; and the police officer, presiding at the enquiry, shall question the prisoner fully regarding the whole of the circumstances of the case, the persons concerned in the commission of the crime, and if any property may have been stolen or plundered, the persons in possession of such property, or the place where it has been deposited: in the event of the prisoners making free and voluntary confession, it shall be immediately written down, if practicable, in the language best understood by the person confessing, and in the presence of three or more credible witnesses, who can sign their names, and are not officers of the police or connected with the thannah establishment: if no persons can be found who may be able to read or write, the most respectable persons in the village shall be required to bear witness, and to offer their mark in attestation of the writing. The

Rules in cases of voluntary confession.

party

party confessing as well as the witnesses shall be allowed to read the same when finished, or if unable to read, the police officer recording the confession shall invariably read it over in the presence of the party and witnesses, before it is signed and attested, and shall state, at the foot of the paper, the day of the week, date, hour and place, at which it may be taken; the original confession, bearing the signatures of the party and witnesses, shall invariably be transmitted to the magistrate, and not a copy; and the police officer presiding at the enquiry, as well as the person, by whom the confession may be taken down in writing, shall subscribe their signatures to the paper, in attestation of its authenticity.

Second. No compulsion shall be used either towards parties or witnesses, for the purpose of obtaining any information whatsoever; and police officers are strictly enjoined not, on any occasion or under any pretext whatever, to encourage a prisoner, apprehended upon a criminal charge, to confess the same, or to excite the hopes or fears of a prisoner by holding forth prospect of pardon, or using threats, or otherwise persuading or intimidating the prisoner, with the view of inducing him to confess: any species of mal-treatment inflicted on a prisoner or witness by a police officer, landholder or farmer, or by any other person whatever, whether with a view to extort a confession or to procure information, will subject the offender to exemplary punishment, on conviction, before the magistrate or court of circuit.

Compulsion, or holding out hopes or fears, to induce confession, strictly prohibited; penalty on conviction.

Third. Whenever a confession may be taken at night, or at any other place than the police thannah, the special reason for its having been so taken shall be stated in the darogah's report.

Special reason must be stated, if the confession be received at night, or in any other place than the police thannah.

Fourth. The foregoing provisions are not meant to preclude the police darogah or officers presiding at the enquiry, from making any private verbal examination which he may deem requisite, with the view of ascertaining accomplices or discovering stolen

Darogah may hold private verbal examinations.

len property, or obtaining means of proof.

Prisoners confessing, to be kept separate.

Fifth. Prisoners confessing offences shall be kept apart from all persons in custody at the thannah, and, if practicable, shall be forwarded to the magistrate's court, under charge of a separate guard.

Witnesses to be carefully bound over.

Sixth. Witnesses to confessions shall invariably be bound over by the police darogahs to attend the magistrate on the arrival and examination of the prisoners at the sudder station; and the police officers shall be careful not to admit of any deviation from this rule.

Thannah prisoners how to be confined.

Seventh. Prisoners during their detention at the thannah shall be confined within the thannah house or guard room, or in some other convenient place of confinement, where they will not be exposed to the open air.

Prisoners of atrocious character may, in the night time, only, be placed in stocks.

Eighth. Stocks may be used at the thannahs during the night, for the purpose of securing the persons of robbers and murderers, or other persons of dangerous character, or disorderly behaviour, or persons who may have escaped from custody, until they can be forwarded to the magistrate; but the darogahs are strictly enjoined, under pain of dismission from office, not to place any individual in the stocks, except during the night time, and then only in cases of robbery and murder, or of previous escape from custody, or when the notoriety of the prisoner's character or his behaviour may be such as to render this mode of confinement essential for his safe-guard.

They may also be forwarded in light handcuffs.

Ninth. The darogahs of police shall further be competent to use handcuffs, of a light construction, to be provided by the magistrates, (instead of fetters and ropes for the legs and arms,) for the purpose of forwarding heinous criminals with safety to the magistrate's court.

Tenth.

Tenth. The darogahs shall be held strictly accountable for any ill-treatment which prisoners may sustain whilst under their charge, and for any severity further than what may be essentially requisite for securing the persons of such prisoners.

A strict account shall be taken of unnecessary severity.

Eleventh. Burkundauzes escorting prisoners shall, on ordinary occasions, journey at a rate not less than six or more than eight coss per diem.

Rate of travelling for prisoners.

Twelfth. When alighting at any village for the night, the police officers having charge of prisoners shall report their arrival to the proprietor, farmer or head man of the village, who shall point out a proper place for securing the prisoners during the night, and shall require the village watchmen to afford their aid in guarding them.

Headmen and others, shall provide for the custody of prisoners passing through their estates or villages.

Thirteenth. In cases in which the prisoners may be unable to support themselves during their journey from the police thannah to the magistrate's court, the darogahs shall advance such amount for diet allowance, as may be necessary for their way-charges, not exceeding the rate of one anna per diem; reporting the same for the information and orders of the magistrate.

What diet money to be allowed to prisoners unable to support themselves during their journey.

Fourteenth. On the arrival of the prisoners at the sudder station, the burkundauzes charged with the dispatch shall convey them to the foujdarry nazir, or to such other native officer as the magistrate may appoint, in order that they may be secured in a lock-up house, until the report of the case can be perused by the magistrate, till which time one or more of the burkundauzes, who may have accompanied the prisoners, shall remain in attendance to be examined, if necessary, on any points relating to the case.

Rules for their being delivered over to the proper officers at the sudder station.

Fifteenth. Prisoners, who may be sent from the station of one district to that of another, or who may be sent by a magistrate in-

Prisoners sent from one station to another, shall be transmitted from

thannah to thannah by police burkundauzes.

to the mofussil, for the purpose of being discharged, shall, exclusive of other papers, be sent with a written despatch unsealed, shewing the name of the prisoner, and his destination; and it shall be the duty of the darogahs to forward prisoners of this description according to the despatch which may accompany them, under charge of the police burkundauzes from thannah to thannah. A statement of all such cases, specifying the names of the prisoners and other particulars, shall be recorded in the thannah diary, prescribed by Section VIII, of this Regulation.

No prisoners shall be detained at the thannah cutcherry more than 48 hours.

Sixteenth. The darogah and other officers of police are hereby prohibited, under penalty of immediate dismission from office, from detaining any prisoners without sending them to the magistrate, beyond such time as may be indispensibly requisite for the enquiries directed by this or any other Regulation; and if, from any cause, the enquiry cannot be completed within forty-eight hours after the arrival of a prisoner at the cutcherry or station of the police officer, the person shall notwithstanding be sent to the magistrate with a report of the case, and a chelan or despatch drawn up according to the form No. 2 of the Appendix, a copy of which shall be given to the burkundauze, under whose charge the prisoner may be forwarded, to be delivered to the nazir on his arrival at the sudder station.

Persons apprehended, whether bailed or not, shall be reported, and shall not be discharged, except on bail or by special orders.

Seventeenth. The officers of police shall report to the magistrate the cases of all persons apprehended within their respective jurisdictions, whether such persons may have been admitted to bail or otherwise; and no person who may be once apprehended shall be discharged, except on bail or under the special orders of the magistrate.

Rules relating to notorious Offenders, and to Vagrants, their apprehension and discharge.

Darogahs in every district to forward to magistrate all no-

XX. *First.* It shall be the duty of the darogahs of police to apprehend and forward to the magistrate, all persons residing within

within their respective jurisdictions, who may be notorious, as decoits or robbers of any denomination; or as house-breakers, thieves, or receivers of stolen property.

torious character.

Second. On any written charge being preferred to a police darogah, against individuals within his jurisdiction, of their being notorious robbers, burglars, thieves, or receivers of stolen property; or on the darogah's receiving credible information of such persons being within his jurisdiction, the darogah or other police officer, presiding in the thannah jurisdiction, shall, previously to the apprehension of the accused, make such secret and summary enquiry in the neighbourhood as may be practicable, without endangering his escape, in regard to his general character and means of subsistence; and if there shall appear substantial grounds to believe, that the charge or information is well founded, the darogah or other police officer shall apprehend the person suspected, and shall examine him, without oath, regarding his name, connexions, place of residence, occupation and means of livelihood. If, on such examination, and any further immediate enquiry, which may be practicable, there appear to be strong grounds of presumption, that the charge or information against the prisoner is unfounded, or greatly exaggerated; and the prisoner shall tender sufficient bail for his appearance before the magistrate, such bail shall be accepted, or, in failure thereof, as well as in all cases wherein the examination of the prisoner may tend to confirm the truth of the charge or information against him, he shall be forwarded, under custody, to the magistrate, together with a written report of the enquiry, including such particulars as may be necessary, to enable the magistrate to form a just comprehension of the merits of the case.

Credible information being given of such characters, darogahs are to make private enquiries.

If they see fit, they shall apprehend the person, and, as he accounts for himself, shall discharge, or transmit him to magistrate.

Third. The foregoing rule shall not be construed as authorizing the police officers to make the sooruthals, and enquiries regarding character provided for in the next clause, excep under the special orders of the magistrate.

This rule shall not authorize the enquiries provided for in next clause.

Fourth.

Police officer, when directed to make a local enquiry, shall take the evidence of certain persons, as to the suspected person's mode of life.

Fourth. Whenever a police darogah may receive instructions from a magistrate to make a local enquiry and sooruthal, for the purpose of ascertaining the character of any person of bad fame or suspicious livelihood, the darogah shall proceed himself, or shall depute the mohurir or jummadar of the thannah to the village, in which the suspected person may have been known to reside, and the darogah, mohurir or jummadar, when not otherwise specially instructed by the magistrate, shall summon four or more of the principal inhabitants, (not being females) or of the middling classes residing in the village, and shall question them, without oath, respecting the present and former place of residence of the prisoner, his general character, means of subsistence, property in ploughs, land, cattle and other goods and chattels; he shall also require them to state whether the individual suspected, associates with persons of bad character, robbers or armed men; and, if so, the names of such persons, whether he is frequently absent from his house or place of residence at night, without sufficient cause, whether his expenses are in proportion to or exceed his means, whether any person in the village bears the prisoner enmity, and whether the prisoner was ever before apprehended; and, if so, on what account.

This report, if favorable, shall alone be transmitted to magistrate, if not, witnesses shall be immediately bound over to appear.

Fifth. The sooruthal, containing the result of the enquiry above directed, shall be signed by the persons assembled, and if the result of the enquiry be favorable to the character of the prisoner, the darogah shall only forward his report, and await the orders of the magistrate, but if unfavorable, a sufficient number of the subscribing witnesses, not, in any instance, exceeding four, (unless under the special orders of the magistrate,) shall be immediately required to execute recognizances, to appear and give evidence in the fouzdarry court.

Persons of bad and suspicious character, discharged from confinement, are to be released in presence of

Sixth. Whenever a person of bad character may be liberated from custody, or may be released from jail, after the expiration of a specific sentence of imprisonment, and the magistrate

may

may be of opinion, with reference to the character of the prisoner, that his future conduct should be watched, such individual shall be sent to the thannah division, in which his habitation may be situated, and shall be released by the officers of the police, in the presence of the munduls, putwarries, and other headmen and watchmen of the village, to which the person liberated may belong, who shall be enjoined to afford him all practicable aid in procuring an honest livelihood; but at the same time to keep a vigilant inspection over his conduct and mode of living, and to give timely information to the police officer of the jurisdiction, in the event of his being absent from his village at night, without giving notice of his intention, or of his associating with individuals of bad reputation, or of his ceasing to labor or to obtain a livelihood by creditable means; in all which cases, they will be held responsible, and liable to the penalty stated in the next clause, unless they give due information of the circumstances to the thannah.

the headmen of their villages, who shall be liable to a penalty, in the event of their not giving certain enjoined information.

Seventh. On the occasion of releasing a prisoner under the provisions of the foregoing rules, the police darogah shall report to the magistrate the names of the munduls and other headmen of the village, present at the time of the prisoner's discharge; and if the person released should hereafter be convicted of any criminal offence, and it be established, that the headmen of the place neglected to furnish the information required by the preceding clause; they shall be liable to the payment of a fine, not exceeding one hundred rupees, from each individual, commutable, in default of payment, to one month's confinement in the civil jail.

Penalty specified.

Eighth. It shall be the duty of the darogahs of police to apprehend all vagrants and suspicious persons, of whatever denomination, wandering about the country in parties, or lurking about individually, without any fixed place of abode; or who, though resident in a particular place, may have no ostensible means of honest livelihood, and who, on examination, may be unable to give a satisfactory account of themselves.

Darogahs shall apprehend all vagrants.

Ninth.

On receiving information of their reports, care to be used in their apprehension and examination.

Ninth. Police darogahs receiving information of the resort of persons of the description specified in the preceding clause, shall, previous to their apprehension, make such summary enquiry, as the nature of the case may admit, without risk to their escape; and in the event of strong suspicion attaching to them, shall secure their persons, and unless on examination, without oath, respecting their names, connexions, place of residence, occupation and means of livelihood, they can render a satisfactory account of themselves, shall forward them forthwith to the magistrate, together with a report of the circumstances under which they may have been arrested, and of the enquiry made.

When names are not known, darogah may apprehend without a specific warrant, when large bodies of vagrants are assembled, he shall apply for assistance to certain authorities.

Tenth. In cases where the names of the vagrants or other suspicious persons cannot be ascertained, it shall be competent to the police darogah to apprehend such persons without a specific warrant, and in the event of any number of persons of this description being in sufficient force to resist the officers of the thannah, the darogah shall require the aid of the local zemindar, or other landholder or farmer, or of the police officers of the adjacent thannah, or shall apply for assistance from the sudder station, according to the exigency of the case.

In what cases the darogah empowered to admit such persons to bail and to wait the magistrates orders.

Eleventh. After the apprehension and examination of the persons suspected, should the information, upon which the police darogah acted, prove to be incorrect, and no sufficient reason appear for sending them to the magistrate, the darogah shall admit the parties to bail, if they are able to furnish sufficient security, and shall report the circumstances to the magistrate, without sending them to the sudder station, till the receipt of an order to that effect.

Darogahs enjoined to be careful in the execution of this duty.

Twelfth. In enforcing the provisions contained in the preceding rules, the darogah and other officers of police, and the village watchmen, shall be careful not to confound strangers coming from the adjacent districts or countries, for the evident purpose of cul-

tivating

tivating land or exercising their several professions, with vagrants or other suspected persons. On the contrary, the darogahs shall afford all due and reasonable encouragement to persons coming of their own accord into their respective limits, who may be desirous of settling therein from such industrious motives; the police officers will nevertheless keep a watchful eye over such persons, so long as it may appear necessary, and the darogahs will invariably report to the magistrate every instance, that may come to their knowledge, of an accession of this nature, to the population of their respective divisions.

Village Watchmen.

XXI. *First.* It shall be the duty of the darogahs of police, under the guidance and instruction of the magistrate, to prepare and keep up at their thannahs a complete register of the village watchmen, employed within the limits of the authority of the said darogahs respectively, drawn out after the form No. 6 of the Appendix; and upon the death or removal of any of the watchmen, the landholders and other persons, to whom the right of nomination to such vacancies shall belong, shall send the names of the persons, whom they may appoint, to the darogah of the jurisdiction, that they may be registered by him as above directed.

Darogahs shall keep a complete list of village watchmen.

Zemindars or other authorized persons to nominate a successor on the occurrence of a vacancy.

Second. The village watchmen are declared subject to the orders of the police darogahs.

Village watchmen subject to police darogahs.

Third. Village watchmen, who may reside within one coss of the thannah station, to which they may be subject, shall report daily to the thannah all occurrences connected with the police, which may have happened in their respective villages, during the preceding twenty-four hours: village watchmen, residing from one to three coss distant from the thannah, shall furnish similar reports, twice every week; and all other watchmen, whose residence may be situated at a greater distance, shall report once in every week or fortnight, as they may be specially instructed by the police darogah so to do.

Rule for the delivery of reports of watchmen, residing at a certain distance from the thannahs.

Fourth.

Occurrences reported by the village watch to be entered in thannah diaries.

Fourth. All occurrences reported by the village watchmen shall be recorded by the mohurirs in the thannah diaries; but it shall not be considered necessary to enter in such diaries the reports of watchmen, who have no communications to make further than that the peace of their divisions has been undisturbed since their last report.

Proclaimed offenders and those taken in the commission of public offences, shall be sent to the thannah by the village watchmen, who shall give the earliest intelligence of the residence of offenders and commission of crimes.

Fifth. The village watchmen shall apprehend and send to the darogah, or other police officer presiding at a thannah, any person who may be taken in the act of committing murder, robbery, house-breaking or theft; also proclaimed offenders, and persons, against whom a hue and cry shall have been raised of their having been concerned in a recent criminal offence. It shall further be the special duty of the village watchmen to convey to the thannah immediate intelligence of any robbers, who may have concealed themselves in their respective villages, or in the adjacent country; and also of any vagrants, or other persons who may be lurking about the country without any ostensible means of subsistence, and who cannot give a satisfactory account of themselves. It shall likewise be the business of the village watchmen to convey early intimation to the thannah of all murders, robberies, burglaries, thefts, violent affrays, and other heinous offences, perpetrated in the villages or places in which they may be stationed.

Rule for receiving the reports of village watchmen.

Sixth. The report of the village watchmen to the police officers of the regular establishments shall be made verbally; and they shall not, unless they appear as prosecutors, be sworn to their depositions at the thannahs, or be detained at the thannahs, or sent into the magistrate's court, unless on account of misconduct, or under the special orders of the magistrate.

Supervision to be exercised by the darogah.

Seventh. Darogahs of police shall invariably ascertain and report, when making enquiries on the occasion of any robbery, burglary or theft, the conduct of the village watchmen; and whether they were present at their posts when the offence was perpetrated;

petrated; if not, the cause of their absence, and whether there may be reason to believe, that they were themselves concerned in, or connived at, the commission of the crime. In the event of any neglect or suspicion of criminality attaching to a village watchman, the darogah shall either send the individual to the magistrate, with a separate report of the grounds of the charge exhibited against him, and evidence to establish the same, or shall forward a report, in the first instance, and wait the instructions of the magistrate, as the nature of the alleged offence may dictate. In the event of any gross neglect or misconduct in the discharge of his duty, as a police officer, being established against a village watchman, he shall be liable to dismission from his station, by order of the magistrate, independently of any punishment, to which he may be subject, for specific acts of criminality, under the laws and regulations in force.

Penalty upon proof of negligence or abuse.

Eighth. The darogahs or their police officers are prohibited, under penalty of dismission from office, from employing the village watchmen on their private concerns, or on any duties unconnected with the police.

Watchmen not to be employed on darogahs' private concerns.

Ninth. In those towns and villages, where the darogahs of the mofussil police jurisdiction, or the officers of out-posts may be stationed, the duties of watching and patroling shall be performed conjointly by the regular police officers and the village watchmen; and private watchmen, entertained by individuals for guarding their habitations, shops, or ware-houses, shall also afford their assistance, and be considered subject, in the performance of this duty, to the orders of the police darogahs of the station.

In places where regular police establishments may be stationed, duties of watching by whom to be performed.

Tenth. On the occurrence of a gang or highway robbery, or any robbery by open violence, murder, burglary or theft, attended with wounding, or any other heinous offence, attended with a violent breach of the peace, the village watchmen shall, to the utmost of their ability, resist and endeavour to ap-

The village watchmen to resist robbers to the utmost of their power; and to require zemindars and headmen to lend their assistance in the pursuit and apprehension of criminals.

apprehend the offenders, and shall require the headmen of the village to collect the inhabitants and to oppose and seize the criminals, or to pursue them, if they have fled; and it shall be incumbent on the inhabitants of the villages, through which, or near to which, the pursuit may lay, to afford, on the requisition of the village watchmen or other police officer, every practicable assistance towards the apprehension of the robbers or other offenders; and recovery of any property stolen or plundered by them; continuing the pursuit from village to village. Any headman or watchman of a village, who may be convicted before the local magistrate of wilful inattention to such requisition, shall be liable to fine and imprisonment, not exceeding the limitation prescribed by Section XIX, Regulation IX, 1807.

Penalty for their refusal.

Concurrent Jurisdiction of Police Darogahs.

Darogahs to transmit intelligence of heinous crimes, (if the perpetrators be not apprehended,) to neighbouring thannahs;

XXII. *First.* Whenever a police darogah may receive intelligence of any murder, gang-robbery, or other heinous crime, having occurred within his jurisdiction, the perpetrators of which may not have been apprehended, he shall dispatch immediate information of the occurrence to the neighbouring police darogahs, both in the district in which his thannah may be situated, and in the adjacent districts.

And may pursue into other thannahs or zillahs.

Second. The darogahs and other police officers are empowered, either under the warrant of the magistrate or without such warrant, to pursue persons charged with the crimes abovementioned, into the jurisdiction of other darogahs, whether subject to the same magistrate or to the magistrate of any other zillah or city; and the magistrates, darogahs, police officers, landholders, farmers, gomastahs of villages, cultivators of land, and all other persons having authority or residing in the jurisdiction into which the offenders may be pursued, are required to afford every assistance in their power to the pursuing officers, for the apprehension of the offenders.

Third.

Third. It is to be understood, however, that this concurrent authority is to be exercised by the police officers only, in those cases in which the crime shall have been committed within their own respective jurisdictions; or in the event of the crime having been committed in any other jurisdiction, when the offender shall be actually within their jurisdiction at the time, the charge may be preferred to them; and it shall not be lawful for the darogah of one zillah or jurisdiction to issue a warrant for the apprehension of an offender, being or residing in another zillah or jurisdiction, at the time of a complaint being preferred, for any crime not committed within the limits of his own jurisdiction. In such cases, the complainant must apply, in the first instance, to the magistrate of the zillah, or to the darogah of the jurisdiction, in which the crime or misdemeanor shall have been committed, or in which the offender may reside or be found. But should the complainant first prefer a written application to the darogah of another jurisdiction, such darogah shall record in his diary the name of the complainant, the nature of the charge, and the date on which the complainant may have been referred to another darogah. The date and ground of such reference shall also be endorsed upon the application, to be returned to the complainant.

Under what circumstances a concurrent jurisdiction to be exercised.

Fourth. Whenever the police officers employed under one magistrate, shall apprehend offenders in the jurisdiction of another magistrate, in virtue of the powers vested in them by the preceding rules, they shall immediately deliver to the darogah of the police jurisdiction, in which the offenders may be apprehended, a list of their names, and a statement of the crimes or misdemeanors with which they may be charged; and the latter darogah shall immediately forward such list and statement to the magistrate to whose authority he may be subject.

Rule in the case of a darogah apprehending offenders in the jurisdiction of another magistrate.

Fifth. The police darogahs, in pursuance of Section XV, Regulation I, 1804, are empowered to issue process within the limits of the invalid thannahs, in the same manner as in other parts of the country.

Rule with regard to invalid thannahs.

Prosecutors

Prosecutors and Witnesses.

Subpœnas how and by whom to be served.

XXIII. *First.* Subpœnas to prosecutors and witnesses shall be drawn out according to the form No. 11 of the Appendix, and shall be served by a single burkundauze, but the darogahs are strictly prohibited from delivering summonses to parties or their agents, to be served on their own witnesses.

Rules for the execution and delivery of recognizances of witnesses and prosecutors.

Second. Prosecutors and witnesses, whose attendance may be necessary at the criminal courts, shall execute recognizances, (Mochulkas) according to the form No. 12 and No. 13 respectively, of the Appendix, before the police officers to appear before the magistrate on a specific day; which shall be the day whereon the party accused may be bound to appear, if he shall have been admitted to bail, or on the day on which he may be expected to arrive at the magistrate's place of residence, if he is to be forwarded thither under custody; the police officer in whose presence the recognizance may be executed, shall forward it with his report to the magistrate, and shall deliver to the prosecutor or witness a dispatch addressed to the magistrate and drawn up after the Form No. 14 of the Appendix, which the prosecutor or witness shall be required to deliver in person to the magistrate, unaccompanied by any officer of police.

Darogahs shall, in certain cases, require bail from prosecutors, for their appearance before the magistrate.

Third. The police officers are prohibited from subjecting prosecutors to any degree of restraint, unless their complaints should appear, on enquiry, to be false and malicious; in which case, the circumstances shall be reported to the magistrate, and the complainant shall be required by the darogah to furnish bail for his appearance before the magistrate; in the event of his not conforming to such requisition, he shall be forwarded under custody to the foujdarry court.

Witnesses shall be subjected to no restraint, nor required to give security.

Fourth. The officers of police are strictly enjoined not to subject witnesses to any restraint or unnecessary inconvenience, nor to require them to give security for their appearance; but if any

witness

witness shall refuse to attend or to execute the recognizance directed in Clause Second of this section, it shall be competent to the darogah or other police officers, presiding at the thannah, to forward such witness under custody to the magistrate's court.

Penalty for refusing to execute recognizances.

Summons.

XXIV. *First.* On a complaint being preferred in writing to a darogah, or to any other officer of police authorized to receive the same against a person subject to his jurisdiction, for any bailable crime or misdemeanor declared by this Regulation to be cognizable by the native officers of police, and which may not require the immediate apprehension of the accused, the police officer receiving such complaint, upon the party complaining, making oath (or a solemn declaration, if the party be of a rank or cast which would render it improper to compel him to take an oath) to the truth of the complaint, or without such oath or declaration, if satisfactory reason be assigned by the complainant for not attending to make the same, and the truth of the charge be deposed to on oath, or under solemn declaration by some other credible person or persons, shall issue a summons under his official seal and signature, to be served through a single burkundauze, or through any known and accredited agent of the party complained against, who may be on the spot and willing to receive the same in behalf of his principal; but no summons shall be delivered to a complainant to serve on the person accused.

On complaints supported by oath or solemn declaration summonses shall be issued by a single burkundauze and not by the party complaining.

Second. Police officers entrusted with the service of summonses, in cases wherein bail may not be required, shall demand only an acknowledgment of the receipt of the process, and, in the absence of the party, the summons may be served on the principal person in his house or family, if such person be willing to receive the same and to return an acknowledgment for the party whose attendance is required.

When bail is not required, acknowledgment of receipt of process is sufficient.

Third. The summons to be issued by police officers under the

Forms of bail

For trivial or severe important offences. Bail shall not be excessive.

the rules contained in the preceding clauses, shall be made out in the Form of No. 15 of the Appendix; but if the charge be of a serious nature, and such as may appear to require bail to secure the appearance of the party accused, either in person or by vakeel before the magistrate, the summons shall be drawn up according to the Form No. 16, and shall specify the bail to be given, which is in no case to exceed what may be sufficient to prevent the parties absconding, before the case shall come before the magistrate, who will then issue such further process or order as he may judge proper.

What warrant shall be issued in cases of persons neglecting summons.

Fourth. If an accused person, on whom a summons shall have been served as directed in the preceding rules, shall not attend in person or by vakeel, and give bail (if required) according to the exigency of the summons within the period limited by it, the darogah shall issue a warrant (according to the Form No. 17 of the Appendix,) under his official seal and signature, for the apprehension of his person.

In case of absence or absconding of the offender, darogah shall require from the head person of his village, an engagement that he will deliver him up on his return, or give information of his appearance.

Fifth. Whenever any process may be issued by a magistrate or darogah of police for the attendance of any prosecutor or witness, or for the apprehension of any defendant (not being a proclaimed offender,) and such person may be absent or may have absconded, the police officer, entrusted with the process, shall require the proprietor, manager or head person of the village, in which the person summoned may be said to reside, to furnish a written certificate of the individual's absence, engaging therein either to cause the attendance of the individual summoned on his return to his village, or to give information at the thannah of his arrival.

Penalty for failure in this engagement.

Sixth. Should it afterwards be established, on enquiry before the magistrate, that the person summoned was actually in the village at the time of the execution of a certificate of the above

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Resistance or evasion of criminal process.

XXVI. *First.* If any person or persons shall resist or cause to be resisted the execution of any legal warrant or process, which the officers of the magistrate's court, or the officers of police may attempt to serve, or shall endeavour to rescue any person arrested, or under the custody of the magistrate's officers, or the officers of police; the darogah, if practicable, shall cause such offenders, as well as persons concerned in the resistance or rescue, to be apprehended and forwarded to the magistrate, with a report of the circumstances of the case, and the necessary evidence for establishing the misconduct of the accused; in case of actual rescue or violent resistance, he shall also, if necessary, call in the aid of the officers of police stationed in the adjacent thannahs, who shall conform to such requisitions, provided they are conveyed in writing.

Persons resisting process shall be apprehended and sent to magistrate.

In extreme cases neighbouring thannah officers shall be required to aid.

Second. In modification of the provisions contained in Sections II and IV, Regulation XI, 1796, and Sections II and IV, Regulation III, 1804; the following rules are hereby prescribed for the guidance of the magistrates and police officers in cases of resistance or evasion of criminal process.

Provisions of former regulations modified by the following rules.

Third. If the person convicted of resisting or causing to be resisted the process of a magistrate, or police officer be a proprietor of land, or a sudder farmer paying revenue to Government in any zillah or city jurisdiction, not being that in which the offence shall have been committed, and it appear just and proper, on due consideration of the circumstances of the case, to extend the penalty of forfeiture declared in Section II, of each of the regulations abovementioned, to the whole or any part of such lands or farms, it shall be competent to the magistrate to adjudge the same, subject to the prescribed confirmation of the court of Nizamut Adawlut, and the final orders of the Governor General in Council.

Property in other zillahs of landholders resisting process shall be liable to confiscation, under confirmation of Nizamut Adawlut, and Government.

Fourth. In like manner, if a person charged with an offence of a criminal nature, who may abscond or conceal himself, so that the

Property in lands in other zillahs of persons absconding

shall be liable to be attached, with a view to cause their appearance.

the process issued against him cannot be served, shall possess land or other immoveable property, or a sudder farm paying revenue to Government in any other zillah or city jurisdiction, than that wherein the offence charged against him may have been committed, and it shall appear necessary to attach the same with a view to cause the attendance of the accused person under the provisions of Sections IV, V and VI, of the regulations specified in the preceding clause, it shall be competent to the magistrate, to whom the charge may be preferred, to order the attachment of the whole or any part of such property or farms, and the provisions of the three sections referred to shall be considered applicable in such cases.

Discretion vested in magistrate to award a certain fine.

Fifth. In all instances of resistance to the process of a magistrate or police officer, wherein the magistrate may be of opinion that a fine to Government, not exceeding two hundred rupees, commutable, if not paid, to imprisonment, not exceeding six months, will be an adequate punishment for the offence, he is authorized to adjudge the same, instead of a forfeiture of land or farm; and his judgment in such cases as well as in all cases, wherein a similar judgment may be passed by him against persons not being proprietors of land or sudder farmers, shall not be referrible to the Nizamut Adawlut, but shall be final, unless altered or rescinded by the superior criminal courts, under the general rules in force.

Moveable property of persons not being proprietors of land, evading or resisting process, liable to immediate attachment, in case of suspicion of removal.

Sixth. If any person amenable to the authority of the zillah or city magistrates and police officers, shall resist or cause to be resisted any warrant, summons or other process of a zillah or city magistrate, or of any authorized magistrate or police officer, and such person cannot be apprehended; or if any person charged with a criminal offence of a heinous nature shall abscond or conceal himself, so that, on a warrant issued against him at his usual place of residence, by the local magistrate or police officer, he cannot be found, and the party so resist-

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ing or evading the process against him be not a proprietor or sudder farmer of land, capable of attachment under the provisions of the regulations mentioned in the preceding section, and the foregoing clauses of the present section; but shall be in possession of any moveable property, which can be attached, and the removal of which might be expected, if not placed under immediate attachment, the police officer, issuing or serving the warrant in such cases, is hereby authorized, on receipt of credible information, that the person against whom the warrant is issued has recently absconded, or concealed himself for the purpose of evading it, to cause the attachment of any moveable property, belonging to the absconding or concealed party, within his jurisdiction; giving at the same time immediate information to the magistrate of the district, whose previous instructions shall be applied for, when there may be reason to expect a removal of the property.

Seventh. The magistrate, on receipt of the information directed in the above clause, will determine whether the case be such as to require a continuance of the attachment, till the appearance of the accused person, or till a proclamation shall have been issued for his attendance, under the provisions of Regulations XI, 1796, and III, 1804; and will transmit instructions to the police darogah accordingly, either for the release of the property attached by him, or for continuing the attachment, and taking an inventory of the property, in conformity with the following clause. Till the receipt of such instructions, the police officers shall adopt such measures only as may be requisite to prevent a removal of the attached property.

But till the magistrate's orders be known, darogah shall only prevent removal.

Eighth. On receipt of the magistrate's instructions for an attachment of moveable property, the darogah of police, in the presence of two or more respectable inhabitants of the place, shall cause an exact inventory of the articles attached to be taken and duly attested, after which he shall deliver the property in charge to the

Rule of proceeding in making the attachment.

the headman or any two or more respectable inhabitants of the place, taking an acknowledgment for the same, which shall be forwarded, together with an inventory of the property, to the magistrate.

Property shall be carefully preserved and a strict account rendered, when the offender shall be entitled to receive it back.

Ninth. In all instances where an attachment of property may be made under the foregoing rule, the police darogahs shall enjoin the persons, into whose charge the same may be delivered to take care, that there is no injury done to the property; and if the person charged appear, within the period specified in the proclamation, the magistrate shall immediately, on the attendance of the party, cause the attachment to be removed, and a full account rendered of the property attached, subject only to any unavoidable expence which may have attended the attachment.

In event of non-appearance or continued evasion, property to be sold for payment of fine, or benefit of Government.

Tenth. If the proclaimed person shall not appear within the period fixed by the proclamation, the attached property in cases of resistance of process will be liable to public sale, by order of the magistrate, for the purpose of making good any fine imposed on the offender; or should the attachment of moveable property have taken place under an evasion of process, it shall at the end of six months, supposing the absentee not to attend during that period, be at the disposal of Government, in common with any landed property attached under similar circumstances in pursuance of the regulations in force.

Rule for proclaiming magistrate's order for appearance.

Eleventh. Whenever a proclamation may be issued through a police darogah by order of a magistrate, requiring the attendance of any person, who may have evaded or resisted the processes of the court, the darogah shall, in the presence of two or more creditable persons, not connected with the thannah establishment, cause such proclamation to be publicly read and promulgated by beat of drum, and affixed in the police thannah, and on the outer door of the house which the party may have usually inhabited, or some conspicuous place in the village in

above description, or should it be proved that he returned to the village afterwards, and that the person executing the certificate had wilfully neglected to give due intimation of his return to the officers of the police; the person so offending shall be liable to be fined by the magistrate, in any sum not exceeding two hundred rupees, and, in default of payment, to be confined in the civil jail for any period not exceeding one month.

Arrest of Persons and Bail.

In charges of a serious nature made on oath or solemn declaration, and under certain circumstances, a warrant to be issued.

XXV. *First.* Upon a complaint being preferred in writing to a darogah, or other police officer authorized to receive the same, or on the receipt of credible information, whether given by confessing prisoners against accomplices, or by other persons against any person subject to his jurisdiction, for any crime of a heinous nature, such as murder, robbery, house-breaking, maiming, wounding, theft, setting fire to a village house or other building, counterfeiting the current coin or knowingly uttering base coin, or any crime involving a dangerous breach of the peace, such as a violent affray or assembling persons to commit an affray, or any similar offence requiring the immediate apprehension of the offender, and on the complainant or any other credible person or persons, acquainted with the case deposing on oath, (or under a solemn declaration) to the truth of the complaint, the darogah shall examine the complainant or party deposing regarding the circumstances of the case; and on his being satisfied from the particulars communicated, that there are grounds to believe, that the charge is well founded, and that the immediate apprehension of the offender is necessary to the ends of justice, the darogah or other police officer, by a warrant under his seal and signature drawn out according to the form No. 17 of the Appendix, shall cause the person accused to be apprehended and sent in safe custody to the magistrate, within forty eight hours after his apprehension, unless any special reason appear why the issue of process, for apprehending the party accused, should be stayed

until

until the charge be reported for the orders of the magistrate, in which case such report shall be made without delay.

Warrant by whom to be served and how to be executed.

Second. Warrants issued by the police darogah shall be served by the jummadar and burkundauzes of the thannah, and the mode of execution shall be certified on the back of the process, which shall be filed and sent into the magistrate, together with the report and chelan which may accompany the prisoners.

Darogah to require assistance of landholders and others when necessary.

Third. In issuing processes of arrest in cases in which the darogah of police may apprehend resistance, or on any occasions where the assistance of the landholders, or farmers, or their local agents may be necessary for the due execution of the process, the darogah shall, on the face of the dustuck, or warrant, specifically require in writing, the proper landholder or farmer, or local agent, (as the case may be,) to back the process and to afford their aid for effecting its due execution.

Offenders taken in the act, to be apprehended without a written warrant.

Fourth. Darogahs, mohurirs or jummadars of the police, shall be competent to apprehend, without a written charge or warrant, persons who may be found in the act of committing a breach of the peace, or against whom a general hue and cry may be raised immediately after the commission of the criminal offence, or who shall be detected with stolen goods in their possession; but on such occasions, it shall be incumbent on the officer of police, by whom the arrest may be made, to record his reasons for seizing the offending party, and to forward such person forthwith, together with a report of the circumstances of the case, to the magistrate of the district.

Dwelling houses not to be forcibly entered, except in cases of necessity.

Fifth. Officers of police shall not without necessity break open the door of a dwelling house, or of any place of habitation, for the purpose of executing a warrant or other process of arrest. But if certain information be received that a person charged with murder, robbery or other heinous offence, or violent breach

breach of the peace, and against whom a warrant or other process of arrest may in consequence have been issued, is concealed within a house or other building, and such person shall not deliver himself up on the requisition of the police officer, bearing a written warrant, and the written process to apprehend him; the latter may, in the presence of two or more creditable inhabitants of the place, break open the outer door of the house or other building, and also the door of any interior apartment, not being a zenanah or female apartment, in the actual occupancy of women, by the usage of the country considered private, for the purpose of executing the warrant, or other process of arrest entrusted to him.

Zenanahs shall not be entered, except upon credible information, that offenders are there concealed, and the women to be previously allowed to withdraw.

Sixth. In such cases, if information be received, that the person accused has concealed himself in a zenanah or female apartment, in the actual occupancy of women, the police officer, employed to execute the warrant, shall surround the house, or take such other precaution as may be requisite to prevent the escape of the accused; and shall endeavour to ascertain, by the means of two creditable women, unconnected with the family or with each other, whether the person against whom the warrant has been issued be really concealed in the zenanah; in which case, and if such person shall not on a further requisition deliver himself up, it shall be competent to the police officer, in the presence of two or more creditable residents on the spot, to break open the female apartment and execute the process entrusted to him, giving notice at the same time to any women in the zenanah, that they may be at liberty to withdraw.

Abuse of power subject to exemplary punishment.

Seventh. Any wilful abuse and perversion of the powers hereby vested in police officers for the ends of public justice, will subject them, on conviction before the magistrate or court of circuit, to exemplary punishment, according to the circumstances of the case, besides immediate dismission from office.

Eighth.

In what cases bail shall not be accepted.

Eighth. Persons charged with the commission of murder, robbery, house-breaking, theft, setting fire to any house or village, counterfeiting the coin, maihem, or serious wounding, where the life of the party wounded may be in danger, shall not be admitted to bail, provided that there may appear reasonable grounds for believing that such persons have been guilty of the crime imputed to them; but in all other cases, if sufficient bail be tendered for appearance before the magistrate, the darogah or other police officer shall accept such bail and shall immediately release the party apprehended.

Form of Bail.

Ninth. The bail to be taken for appearance before the magistrate, in pursuance of the preceding rules, shall be in the form No. 18 of the Appendix.

Persons wounding or slaying in self-defence, not to be proceeded against, except under special orders of magistrate.

Tenth. Persons who may wound or slay murderers, robbers or thieves in their own defence, or in defence of their property, shall not be proceeded against or placed in restraint, or required to give bail, except under the special orders of the magistrate; police officers are strictly prohibited from acting in violation of the rule, under penalty of dismission from office.

In cases of manifest necessity, security for peaceable conduct shall be required in addition to bail.

Form of recognizance to keep the peace.

Eleventh. In cases of manifest necessity, when the darogah or other officer of police may be apprehensive of danger to the public tranquillity, by the enlargement of a person arrested on a charge of affray, violent assault or other bailable offence, without security being taken for his peaceable conduct; the party apprehended shall be required, in addition to the bail for his appearance, to furnish security for keeping the peace, and the surety (or sureties) shall execute a recognizance according to the form No. 19 of the Appendix, in an amount to be regulated by the circumstances of the case, and the condition of the person executing the same.

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ledge of the officers of police, shall be entered in the thannah diary, on the day on which the event may be communicated to the thannah, and if no incident shall be communicated, it shall be so noted in the diary.

What circumstances to be entered when prisoners are apprehended.

Fifth. The darogahs shall enter in their diaries the names of all persons whom they may apprehend, the crime or misdemeanor with which they may be charged, the date of their apprehension, and the date on which they may be dispatched to the magistrate.

The purport of every petition, &c. to be entered.

Sixth. The purport of every petition, representation, complaint, or information presented to any officer of police, shall be recorded in the diary of the thannah, whether the same may be cognizable by the native officers of police or otherwise; and if it be proved, that a darogah has apprehended any persons, or issued orders, or done any official act, which he may not have inserted and truly stated in his diary, or that any occurrences have been wilfully omitted, he shall be punished with dismission from office, or by such other penalty, as the circumstances of the case may appear, under the general regulations, to require.

Penalty for darogah's wilful omission or misrepresentation of any official act.

Entries how to be attested.

Seventh. Every entry made in the diary shall be attested by the signature of the individual by whom it may be recorded.

Rules for furnishing new diary books, when required.

Eighth. The darogah, or other officer of police, presiding at the thannah, shall be careful to report to the magistrate, at least a month before their diary books are likely to be written through, in order that fresh blank books may be furnished to the thannah, without delay, and those diary books which may be completed shall be deposited in the records of the thannah.

A book to be kept, containing copies of reports, returns, &c.

Ninth. A book shall be kept, containing copies of all urzees, kyfeuts, reports and returns, made by the officers of the thannah establishments to the magistrates court.

A book to be kept, containing copies of perwannahs and orders.

Tenth. A book shall be kept, containing copies of all perwannahs and orders of every description received from the magistrates court.

Eleventh.

A book to be kept, containing copies of chelauns.

Eleventh. A book shall be kept, containing copies of all chelauns or dispatches of prisoners, and property forwarded to the magistrates court, drawn out agreeably to the forms Nos. 2 and 3, of the Appendix.

A book to be kept, containing copies of register of heinous offences.

Twelfth. An abstract register shall be kept of robberies and other heinous offences, ascertained to have been committed within the jurisdiction of the thannah, in each month, drawn out after the form No. 4, of the Appendix.

A book to be kept, containing copies of lists of stolen property.

Thirteenth. A book shall be kept, containing copies of all lists of stolen property delivered into the thannah by prosecutors or others.

A book to be kept, containing copies of proclaimed offenders.

Fourteenth. A register shall be kept, according to the form No. 5, of the Appendix, of offenders who may have been proclaimed, or may have broken jail, or have otherwise eluded the pursuit of justice; and for whose apprehension orders may have been received at the thannah from the magistrates court.

A book to be kept, containing copies of a list of villages comprised within the thannah jurisdiction.

Fifteenth. A list shall be kept of the names of the villages comprised within the limits of the thannah, shewing the names of the proprietors and of the village watchmen, agreeably to the form No. 6, of the Appendix.

Rules regarding returns, reports and statements to be sent to the Magistrates, or to the Superintendents of Police.

What abstracts and other documents shall in future be transmitted to the magistrate.

IX. *First.* An extract from the thannah diary, in lieu of the buhee silaheut at present in use, and from the abstract register of robberies, and other heinous offences, No. 4, above prescribed, containing the entries made during the month, shall be prepared verbatim, and transmitted to the office of the magistrate, on or before the 5th of every ensuing month.

A list of the thannah officers.

Second. Together with the monthly reports to be transmitted

to

to the magistrate as above directed; the darogahs of police shall forward, under their official signature, and in charge of a burkundauze, a list of the police officers on the thannah establishment, entitled to receive pay from Government for the past month, after the form No. 7, of the Appendix. This list, the burkundauze will deliver to the treasurer of the fouzdaree court, on his receiving the pay of the thannah establishment, which shall forthwith be conveyed to the darogah, or other police officer in charge of the thannah, who will pay the amount due to the several individuals of the establishment, and transmit their receipts with his own, in a paper, corresponding in substance with the form abovementioned, to remain with the records of the magistrates court.

entitled to pay, to be sent monthly to the magistrate. Rules for their payment.

Third. In preparing the abstract monthly statements of heinous offences according to the form No. 4, of the Appendix, the darogahs shall pay strict attention to the following rules.

Rules to be observed in preparing abstract monthly statements of heinous crimes.

Fourth. The darogahs shall, as far as may be in their power, distinguish wilful and malicious murder (kutli-umd) from every other species of homicide, reporting all cases of murder not accompanied with robbery or burglary under the 5th head, and cases of homicide of every other description, excepting homicide in affrays, under the 11th head of the statement.

Wilful murder to be particularly distinguished.

Rules for the classification of homicide, not wilful.

Fifth. Under the 6th head the darogahs shall insert all cases of wounding, or violent corporal injury inflicted maliciously, and not in the prosecution of robbery or burglary, or during an affray.

Malicious wounding or injuring simply, how to be classed.

Sixth. Under the 12th head of the statement all affrays and riots shall be entered, in which any considerable number of persons may have been concerned, or in which any person may have been killed or wounded, and the public peace may have been disturbed; but it shall not be necessary to include in this column cases of assault and battery, or drunken broils, in which only a few

Affrays attended with wounding or killing, or violent breach of public peace, how to be classed.

Drunken broils and assaults not

not to be included under that head.

few individuals may have disputed, and no very serious personal injury may have been sustained.

All cases of entering or breaking into, at any time or by any means, houses, boats, &c. with intent to rob, how to be classed.

Seventh. Under the 13th and 14th heads of the statement, all cases shall be entered, in which any person may enter or attempt to enter by day or by night, by breaking any dwelling house, ware-house, store-house, or other building, or place used for the custody and preservation of property, whether the same be constructed of stone, brick, mud, bamboo, grass, or other materials, or into a tent, boat, or other place of habitation, whether such entry be effected by cutting through or under the wall, or by forcibly raising the roof of the house, or by any other means attended with breaking, and whether in pursuance of the intent to commit such robbery, any property shall be carried away or otherwise.

Receiving of stolen property, how to be classed.

Eighth. Under the 17th head all cases shall be entered of receiving, vending, or concealing, or melting down stolen property.

Arson ditto.

Ninth. The 18th head of the statement shall include only those cases of arson, in which any habitation or other property may appear to have been purposely and maliciously fired, and the darogah shall not include accidental fires under this head.

Accidental fires not to be included.

Suicide how to be entered.

Tenth. Under the concluding or 20th head of the statement, the darogah shall insert all cases in which the person destroyed may appear to have been the immediate and voluntary cause of his own death.

All heinous offences to be reported, though the offenders be not discovered.

Unsuccessful attempts to commit offences how to be distinguished.

Eleventh. The darogahs shall report in the statement above prescribed, all heinous offences which may come to their knowledge, whether the offenders may be apprehended or otherwise; and shall distinguish, in the third column, all attempts in which the criminal intent may have failed; inserting in the 2d column, only those cases in which the crime may have been actually perpetrated.

Twelfth

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in which he may have generally resided.

Twelfth. On the expiration of the period specified in the proclamation, if the offender shall not appear to answer to the charge alleged against him, the darogah shall certify to the magistrate the mode in which the proclamation has been issued, and the date, time and place of promulgation, and shall send a sufficient number of witnesses to prove the due publication of the process.

On non-appearance, darogah shall report the due promulgation with witnesses.

Thirteenth. If any zemindar, farmer, local manager or other person, to whom a magistrate may have issued a warrant or order, in pursuance of Regulation III, 1812; or of any other regulation in force, for the apprehension of a person or persons proclaimed or charged with or suspected of a crime, shall apply to an officer of police for co-operation and support in the execution of such warrant or order; the police officer, to whom the application may be made, shall afford every assistance in his power for the due enforcement of the process, and, if, required so to do in conformity with the Sixth Clause of Section IX, Regulation III, 1812, shall receive charge of the prisoner from the zemindar, farmer, local agent or other person, and shall grant a written acknowldgement, specifying the name of the prisoner and the date on which he was delivered into his charge; he shall also, without delay, forward the prisoner under safe custody to the magistrate. If the person named in the application made to the police officer should not be apprehended, the particulars of the application and of the measures taken in consequence shall be recorded, for the information of the magistrate, in the thannah diary, prescribed by Section VIII of this Regulation.

Darogah shall assist zemindars required by magistrate to produce offenders, they shall also receive charge of them.

Fourteenth. If any police officer in his endeavours to secure a proclaimed offender, for whose apprehension a proclamation may have been issued under the provisions of Regulation IX, 1808, should wound or slay him in consequence of his standing

Darogah wounding or killing proclaimed offenders, who may refuse to be held guiltless.

on

on his defence, or of his flying; the officer so wounding or slaying the criminal, shall be deemed entirely guiltless with respect to that act; in like manner, if any police officer entrusted with or assisting in the execution of any legal warrant for the apprehension of a person charged with murder, robbery, or other heinous crime, or pursuing a robber or murderer immediately after the commission of the crime, or resisting him during his attempt to perpetrate the crime, should wound or slay the offender in endeavouring to apprehended him, such police officer shall be held guitless of any criminal act.

Rewards shall be payable by the magistrate of the zillah or city in which offenders may be apprehended.

Fifteenth. All rewards for the apprehension of proclaimed offenders, which may be sanctioned by the regulations, and promulgated under the seal or signature of a magistrate, joint magistrate, or of the superintendants of police, will, if the offender be seized by the officers of police or by other persons, be payable on the delivery of the person proclaimed to the magistrate of the zillah or city in which the offender may have been seized, as provided by Section XV, Regulation XVI, 1810.

Distraint for Arrears of Land Rent.

Provision of former regulations modified.

XXVII. *First.* Section VIII, Regulation III, 1812, is hereby rescinded, and the provisions contained in Sections IX, X and XI, Regulation VII, 1799, in Sections IX, X and XI, Regulation V, 1800, and in Sections XVII and XIX, Regulation XXVIII, 1803, as far as they authorize any aid to be given by the police officers to distrainers, for arrears of rent, are declared subject to the following modifications.

Darogah shall issue a written process upon occasion of resistance made or apprehended, to an authorized distrainer.

Second. Landholders, farmers and their local agents, or other persons empowered by the regulations to distrain for arrears of land rent, who may be opposed, or may be apprehensive of resistance in effecting the regular distraint, or in maintaining possession of property previously distrained, are authorized to apply to the darogah of the thannah, in whose jurisdiction the

property

property may be, for assistance in making or maintaining the regular distraint; and the darogah, in order to support the distrainer and to prevent a breach of the peace, shall, on the distrainer certifying on oath or by a solemn declaration the opposition he has experienced, or the resistance which he apprehends, depute a muskooree peon, with a written process, bearing the seal of the thannah, and signature of the darogah, and drawn up according to the form No. 20 of the Appendix.

Deputed peon shall attend to the proceedings of the distrainer.

Third. It shall be the duty of muskooree peon to exhibit to the defaulter the process prescribed by the preceding clause, and to use every means in his power to prevent resistance or other breach of the peace; and unless the arrear is liquidated to support the distrainer in the exercise of the powers vested in him by the regulations. He shall also give due attention to the whole conduct and proceedings of the distrainer, so as to be able to give evidence thereon, if afterwards required, either before the judge or magistrate.

Resistance being offered to the peon, darogah, or moherir or jemmadar, shall proceed to his assistance. These officers only shall search dwelling houses for distrained property.

Fourth. Whenever any peon deputed under the foregoing rules may depose that he has been opposed in the execution of such duty, or the darogah may be satisfied from the representation made on oath by the distrainer, in the first instance, that any resistance has been offered, amounting or likely to amount to a breach of the public peace, the darogah of police shall either proceed in person or shall depute the moherir or jummadar of the thannah, to support the distrainer and maintain the peace. He shall also proceed in person, or depute the moherir or jummadar of the thannah, whenever it may be proposed by a distrainer under the powers vested in him by the regulations, to force open the outer door, or to search the private apartments of a dwelling house in which the distrainable property of a defaulter may appear to have been concealed.

Fifth-

Burkundauzes shall assist in distraint, under orders of darogah, moherir or jummadar only.

Fifth. The regular burkundauzes of the police establishment shall not be employed to aid distrainers for arrears of land rent, except in cases where the darogah, moherir or jummadar may proceed in person under the rules above prescribed.

Landholders, indigo planters, and others shall not use stocks or other instruments of restraint.

Sixth. The landholders, farmers and other local agents, and indigo planters, and other persons, are prohibited from using stocks, or any other instrument of restraint, for the purpose of confining ryots, or other individuals indebted to them, on any account whatever; and the darogahs of police shall report to the magistrates, for such orders or process as may appear proper under the general regulations, all instances which may come to their knowledge of a violation of this rule.

Allowance and mode of payment of peons employed in distraint, not in the service of Government.

Seventh. Whenever any muskooree peons, not receiving wages from Government, may be employed by a police darogah under the provisions of this regulation, he shall receive tulubana, or diet allowance from the person at whose instance he may be employed, at the rate of two annas per diem; and the darogah shall not issue any process by the hands of a muskooree peon, until the estimated amount of the tulubana, required for the fixed allowance of the peon at the above rate, during his employment, is deposited in advance; the darogahs are enjoined to prevent the muskooree peon from demanding or receiving, directly or indirectly, from any party, in cases in which they may be employed, any allowance or gratuity, exceeding the above rate, and shall report to the magistrate any instances which may come to their knowledge of the violation of this rule.

ABKAREE.

Darogahs shall assist, on the oath of an authorized revenue officer in distraint for arrears of abkaree revenue.

XXVIII. *First.* Whenever an officer on a collector's establishment duly authorized to distrain property on account of arrears of revenue, due from any manufacturer or vender of spirituous liquors, tarry, putchuye, or intoxicating drugs, including

including opium; may be resisted in the enforcement of the collector's process, he shall, on certifying such resistance, on oath before a darogah of police, receive the aid of the regular police officers of the thannah, in effecting the attachment; and the police officers shall be guided in their proceedings, in regard to entering and searching houses for property, belonging to defaulters, by the rules prescribed in this Regulation, for their conduct, in cases of distraint for arrears of land rent, as far as the same may be applicable.

Further rule for the assistance of revenue officers.

Second. Darogahs of police shall, as directed in Section XXIV, Regulation X, 1813, support the officers of the abkaree mehal, in the execution of search-warrants, issued under the seal and signature of the collector, for the discovery of unlicensed stills, or of the produce of such stills.

In such cases, zenanas of respectable persons, shall not be entered.

Third. It is provided in the regulation cited in the preceding clause, that such search-warrants shall be executed only in the day time, that is between sun-rise and sun-set, and, if possible, in the presence of two or more respectable inhabitants of the village in which the house or place proposed to be searched may be situated. It is further provided that, in the execution of such warrants, the apartments of the women, in houses belonging to persons of respectability and credit, that is, of all those classes whose women do not ordinarily appear in public, shall not be entered by the collector's officers, or by the officers of the police.

Rules to be observed by venders of spirituous liquors.

Fourth. The licensed venders of spirits and drugs are bound, by the conditions of their licences, not to harbour robbers, thieves or riotous persons, nor to receive any goods or wearing apparel, in barter for liquors or drugs; they are also bound not to open their shops before sun-rise, nor keep them open after sun-set, and are enjoined not to harbour any person in their shops during the night, but to give information to the nearest magistrate or police officer, of any suspected persons who may resort to their shops.

Fifth.

Darogahs shall report infractions of those rules.

Fifth. The darogahs of police are enjoined to report to the magistrate any breach of the foregoing conditions which may come to their knowledge.—They will also proceed against any licensed vender of spirits or drugs, who may be charged with a criminal offence cognizable by them, according to the general rules in force, which are applicable to the charge.

Execution of criminal process in the Commercial, Salt and Opium Departments; and duties of Darogahs relating to those Departments.

Security for the appearance of persons employed under commercial residents, accused of bailable offences, how to be given.

XXIX. *First.* In all bailable cases, where it may be necessary, under the provisions of this Regulation, to summon or apprehend any weaver, manufacturer, molungee, or any officer or person engaged in the provision of the Company's investment, or employed in the Commercial, Salt or Opium Department: the darogahs of police shall transmit the summons or warrant, under a sealed cover, addressed to the commercial resident, salt or opium agent, or the head native officer of the aurung, kothee, or chokee, who will either give, or direct sufficient security to be given, for the due attendance of the party; certifying on the back of the process, the manner in which it has been served, and by whom the security has been given, or causing the defendant to accompany the officer, bearing the darogah's process, to the thannah.

In such cases the accused shall not be forced to appear till after the manufacturing season.

Second. In cases of a bailable nature, in which a person under engagements, and employed in the Commercial, Salt or Opium Department, may be summoned under the provisions of the preceding clause, during the manufacturing season; the darogah of police shall, with the view of preventing unnecessary interruption to the manufacturer, require the party summoned, to appear in person or by vakeel, either during or after the manufacturing season, as the circumstances of the case may dictate, subject to the future orders of the magistrate, to whom the darogah shall, in each instance, report the reasons which may have influenced him in the exercise of the discretion here vested in him.

Third.

Third. Summonses to weavers, manufacturers, molungees, or to any officers or persons engaged in the provision of the Company's investment, or employed in the Commercial, Salt or Opium Department, to attend as witnesses, shall be served in the manner directed by the preceding clauses of this section; but the commercial resident, salt or opium agent, or the head native officer of the aurung, kothee or chokee, shall, instead of requiring the person summoned to give security, or proceed to the thannah, take from the witness a recognizance, agreeable to the form No. 13 of the Appendix, and shall deliver the same to the officer serving the process.

Rule for serving summonses on witnesses employed in the Company's aurungs, and form of their recognizance.

Fourth. If a charge shall be preferred to a police darogah against any weaver, molungee, or any other manufacturer, or any officer or person engaged in the provision of the Company's investment, or employed in the Commercial, Salt or Opium Department, for an offence that is not bailable, and there shall appear to the darogah of police sufficient ground, under the provisions of this Regulation, for apprehending the person so charged; the warrant for his apprehension shall require him to attend immediately in person, and shall be executed in the same manner as upon persons not so employed. But the darogah, after securing the offender, is to give notice of his apprehension to the commercial resident, salt or opium agent, or to the head officer of the nearest aurung, kothee or chokee, as the case may be.

Warrants for offences not bailable, shall be served upon persons so employed as upon others.

The darogah giving notice to the resident or agent.

Fifth. The officers of police, as required by the Second Clause of Section XI, Regulation VI, 1801, shall comply with applications made to them by a salt agent, or superintendent of a salt chokey, or by the officers attached to the Salt Department, or by any commercial resident or agent, or collector of revenue or customs, for assistance in effecting the seizure of alimentary salt, illegally imported, manufactured, sold or transported; and also for the seizure of adulterated common alimentary salt, and for the attachment of the cattle, carriages, or boats used in transporting such salt.

Darogahs shall assist in the seizure of illegal salt.

Sixth.

Shall give notice of all illicit importation, adulteration or manufacture of salt.

Sixth. If any officer of police shall receive information of any salt, not made in the Company's provinces, having been illegally imported into the said territories, or of salt of any description being transported without the proper rowannahs or char chittees; or of any salt being manufactured, on account of individuals, by molungees or other persons, at the khalarees or salt works established by individuals, for the purpose of manufacturing salt on their own account, or that of any other person; or of the adulteration of alimentary salt, by mixing with it the substance, called "karee noon," or other substance, such as "natron," or native fossil alkali, or the vegetable alkali or potash; such police officers shall transmit immediate notice thereof to the nearest officer in the Salt Department, empowered to attach contraband or adulterated salt, and to the magistrate, to whose immediate orders the said police officer may be subject.

They shall not seize in the first instance of their own authority.

Seventh. The police officers shall confine themselves to sending the information aforesaid to the nearest officer in the Salt Department, and to the magistrate, and to assisting in the seizure of the salt, either under the orders of the magistrate or on application from the officers of the Salt Department; and shall not seize or detain any salt in the first instance of their own authority, except when they may have been vested by order of the Governor General in Council, with special authority for making such seizures, in which case they will receive separate instructions for their guidance in the performance of that duty.

Penalty for the unwarranted seizure of salt by darogahs.

Eighth. In all cases, in which it may appear that an attachment or seizure of salt has been made by an officer of police, without the special orders of the magistrate, or an application from any public officer authorized to require the assistance of the police officer, by whom such attachment may be made; he shall be liable to dismission from office, and on the institution of a regular suit in the Dewanny Adawlut on the part of the proprietor, to the payment of full damages to the whole amount of the loss

and

and expence to which the proprietors may have been subjected.

Ninth. All officers of police are strictly enjoined, under pain of dismission from office, to assist in suppressing the illicit cultivation, manufacture, sale, purchase, importation, transportation or possession of opium, as required by the provisions of Regulation XIII, 1816, which are herein recapitulated for their information and guidance.

Darogahs enjoined to suppress the illicit cultivation of opium.

Tenth. Whenever a police darogah shall obtain intelligence of any land within his jurisdiction, having been cultivated with the poppy, except with the permission or on account of Government, he shall immediately proceed to the spot, and, if the information be correct, shall attach the crop so illegally cultivated, and report the same to the magistrate.

Shall report cases of cultivation of the poppy and

Eleventh. Such police officer shall, at the same time, take security from the cultivator of the ground for his appearance before the collector, or other officer in charge of the abkaree mehal; and in the event of the cultivator not giving the required security, he shall send him in custody to the magistrate, with the necessary witnesses, to prove the quantity of land which may have been cultivated by him with the poppy.

Take security for the offender's appearance before revenue officers.

Twelfth. Any police darogah, who shall knowingly permit the cultivation of the poppy within his jurisdiction, or who shall be convicted of connivingin any respect, at the illicit cultivation of the poppy, shall, besides being liable to dismission from office, for neglect of duty, be further subject, on conviction before the magistrate of the zillah, to the payment of the fine stated in Section XXXI, Regulation XIII, 1816, for whatever quantity of land shall have been so illegally cultivated within his jurisdiction, with his knowledge or connivance; and the fine, if not duly paid, shall be commutable to imprisonment, for a period not exceeding six months.

Penalty for omitting to send information.

Mis-

Miscellaneous rules regarding forts, armed men, military stores, dress of sepoys or lascars, and badges, publ roads, and insane persons.

Darogahs shall report all circumstances that may appear to be dangerous to the public peace.

XXX. *First.* The darogahs of police shall uniformly report to the magistrates, whenever any individuals, within their respective jurisdictions, may entertain in their service any extraordinary number of armed men, or may commence building, or repairing any Fort or Gurhee, or collecting together any quantity of arms, ammunition or military stores.

Shall apprehend all unauthorized persons dressed in the uniform of Company's sepoys.

Second. The darogahs of police are required to apprehend and send to the magistrate, in pursuance of Section IX, Regulation XI, 1806, all persons not actually in the Honorable Company's military service or belonging to persons specially exempted by Government from the operation of the rule contained in the section above mentioned, who may be found dressed in the uniform of the Company's sepoys or lascars, or in a dress so nearly approaching to that uniform, as to enable the persons wearing it, to impose themselves on the country people for sepoys and lascars.

What persons may wear the Company's uniform, when not employed on public duty.

Third. Native officers and sepoys, excepting subadars, jummadars and serangs, even though in the service of the Company, who may temporarily reside in or have occasion to travel into the interior parts of the country, being forbidden by the Fifth Clause of Section IX, Regulation XI, 1806, unless employed on the public service, to wear their uniform coats; the local officers of police are empowered and directed to apprehend all persons of the above description, violating this prohibition, and to send them to the magistrate.

Persons not in the service of a civil or military officer, shall be apprehended when wearing a badge or chuprass.

Fourth. The darogahs of police are also empowered and directed to apprehend, and send to the magistrate, any peon, burkundauze, pyke or other servant, not in the employ of any public officer, civil or military, who may be distinguished by a badge

or

or chuprass, in opposition to the prohibitory rule contained in the Eighth Clause of Section IX, Regulation XI, 1806.

Fifth. The darogahs of police shall prevent all encroachments on the public roads, and shall, at the same time, report the circumstances of each case, for the information of the magistrate, and record an abstract of the same in his thannahdarry proceedings.

Darogahs shall report encroachments on the public roads.

Sixth. The police darogah shall secure and send to the sudder station of the district, in which their thannahs may be situated, all insane persons found within the limits of their respective jurisdictions, from whose insanity there may be reason to apprehend any fatal or serious consequences, unless the friends of such persons will agree to enter into engagements to adopt such precautions as shall prevent their doing mischief. In such case, the police officer, to whom the engagements may be tendered, shall refrain from securing the person of the insane individual, and await the instructions of the magistrate, to whom the circumstances of the case shall be reported without delay.

Persons dangerously insane shall be sent to the sudder station, unless the friends of the party enter into engagements to prevent their doing mischief.

Judges of Circuit and Europeans.

XXXI. *First.* The officers of police are enjoined to shew every mark of personal respect and attention to the judges of circuit, during their progress from station to station.

Respect to be shewn to judges of circuit in their progress.

Second. On the arrival of any European, not in His Majesty's or the Honorable Company's civil or military service, who may propose to settle within the limits of any thannah jurisdiction, the darogah of the division shall report the circumstance for the information of the magistrate.

Darogah shall report the arrival and proposed residence of any European not in his Majesty's or the Company's service.

Third. The police darogahs shall, towards the close of each English year, cause the form of statement, in English and Persian, No. 21 of the Appendix, to be exhibited to all Europeans, not in His Majesty's or the Honorable Company's civil or military

Form of statement to be presented by darogahs to European residents, at the close of each English year.

military service, residing within their respective jurisdictions, and shall require such Europeans to furnish, for the information of the magistrate, separate statements, filled up according to the prescribed form, either in English or Persian.

These statements to be forwarded to the magistrate.

Fourth. The statements, prescribed by the preceding rule, shall be forwarded by the police darogahs to the court of the magistrate, on or before the 5th of January, in each year.

Despatches of Treasure.

Darogahs to afford assistance and security to despatches of Government treasure.

XXXII. *First.* The darogahs of police are enjoined to afford assistance on application from the revenue officers, for the safe custody and conveyance of despatches of treasure, and to allow such despatches to be deposited, during the night, for better security, within the house allotted for the thannah.

And, as far as possible, of bankers and merchants also.

Second. The darogahs of police shall likewise, as far as their other duties will admit, afford protection to despatches of treasure, belonging to bankers and merchants, on application from the person in charge of the same.

Rules relating generally to Landholders, Managers of Estates &c.

Darogahs to inculcate upon landholders their duties, in giving information of crimes, apprehending offenders and preventing affrays.

XXXIII. *First.* The police darogahs shall take every favorable opportunity, when employed on local enquiries, as well as on other occasions, of explaining to the zemindars, talookdars and other proprietors of land, malgoozaree or lakheraj; to the sudder farmers and under-renters of land, dependent talookdars, naibs, and other local agents, and to all native officers employed in the collection of the revenues and rents of land, on the part of Government or the court of wards, the duties incumbent upon them, and the responsibility attached to them, under the provisions of Regulations IX, 1808, VI, 1810, I, 1811, III, 1812, VIII, 1814, and any other regulations in force, to communicate to the magistrates and police darogahs, either publicly or secretly, all information which they may obtain, respecting the commission

of

of murder, robbery, house-breaking, arson or theft, within the limits of the estate or farm held or managed by them respectively; or respecting the resort of any known robbers, of whatever description, or the residence of any notorious receiver or vender of stolen property, within such limits, as well as to afford their asistance in the apprehension of proclaimed offenders, and of all persons, for whose apprehension warrants may have been issued by the local magistrate, in pursuance of Section IX, Regulation III, 1812; and generally to co-operate with, assist and support the police officers of Government in maintaining the peace, preventing, as far as possible, affrays and other criminal acts of violence, or apprehending the offenders under the rules and restrictions which have been enacted and promulgated in the regulations.

With this view magistrates shall be careful to furnish darogahs with extracts or copies of certain regulations.

Second. To enable the police darogahs the more effectually and satisfactorily to perform the service thus required from them, the magistrates shall be careful to furnish them with copies of, or extracts from, all regulations in force on the points above adverted to, or any other immediately connected with the aid to be given by landholders, farmers, under-tenants and managers of land, in support of an efficient police.

Zemindars entrusted with the charge of the police, to be furnished with copies of, and to obey this regulation.

Third. Copies of this Regulation shall be furnished to all zemindars, or other landholders or managers of estates entrusted with the management of the police; and such zemindars, or other landholders or managers shall observe the rules therein prescribed, for the conduct of the police darogahs, as far as the same may be applicable to their duties, as chief police officers.

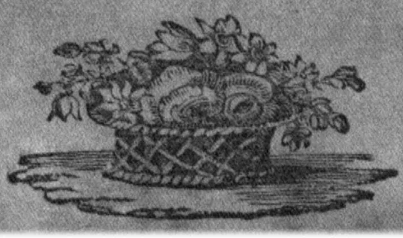
Police of Cities.

Cutwals and police officers in cities and towns to be guided by this regulation, as far as applicable to them.

XXXIV. The cutwals and other police officers appointed in the cities and towns shall be guided, in their discharge of the general duties of the police, by the rules prescribed in this Regulation, for the guidance of the darogahs of police, as far as the

same

same may be applicable, and in the special police duties of the cities and towns by the rules in force, which relate to the police of the cities and towns.



FORM No. 1.

Certificate of Dispatch.

Name of the Burkandauze.	*Case.*	*Date and time of dispatch from the Thanah.*	*Date and time of arrival at the Magistrate's Court.*	*Date and time of departure from the Magistrate's Court.*	*Remarks.*
Mootee Sing.	Murder, Motee Ram, vs. Nattoo and others.	10th March, at the 5th hour of the day.	12th March, at the third hour of the day.	13th March, at the four h hour of the day.	

Form No. 2.

FORM No. 2,

Chelan or Dispatch of Prisoners for the Thannah of *Zillah of*

No. of the Chelan.	Name and residence of the complainant or prosecutor.	Names of the prisoners and their place of residence; also the name of the Pergunnah, and of the Landholder or Farmer.	Abstract of the offence and the date of its occurrence, and also the date of the urzee, complaint or information.	Date and time of the apprehension of the accused.	Where apprehended and by whom.	Date and time of the arrival of the accused at the Thannah.	Date and time of his dispatch to the Sudder Station and under charge of what Burkundauze.	Names of the Witnesses.	Remarks
1.	Ramdial, inhabitant of Mouza Serai Akel.	1 Jeesook, inhabitant of Mouza Jaunsut, Pergunnah Dulmow, in the estate of Ramsing Zemindar. 2 Metab, inhabitant of Mouza Paharee Zeminder, and Pergunnah as above.	Burglary and Wounding on the 5th of April 1816 Complaint made on the 6th of April.	On the morning of the 15th of April	By Nuttoo Chokedar, in the Village of Jaunsest.	On the evening of the 15th of April.	On the evening of the 16th of April, under the custody of Ramsing and Mutee Sing, Burkundauzes.	Bood Sing Kaorah Rutnah Khodabuksh.	

Form No. 3.

FORM No. 3.

Chelan or Dispatch of property

Thannah of in the District of

List of property found in the house of and dispatched to

the Foujdarry Court, under charge of on the

corresponding with

Number of the Chelan.	Number affixed to each article.	Name or description of the article.	Weight.	Estimated value.	In what place found.	Date and time of finding.	Names and residence of the Witnesses in whose presence the property was found.	Name of the person on whom, or in whose premises the property may be found.	Abstract particulars, stating what property is claimed as plundered or stolen, and what is deemed suspicious.

Form No. 4.

A. D. 1817. REGULATION XX.

FORM No. 4. Repealed

Statement of Crimes of a heinous nature, ascertained to have been committed or attempted within the limits of the Thannah of during the month of

No.	Crimes.	Committed.	Attempted.	Number of offenders concerned.	Number apprehended.	Remarks.
1.	Dacoitee, attended with murder. - - -					
2.	Ditto, ditto with wounding.					
3.	Simple dacoitee. - -					
4.	River dacoitee. - -					
5.	Wilful murder. - -					
6.	Maihem, or malicious wounding. - -					
7.	Highway robbery by footpads, attended with murder, wounding, or other circumstances of aggravation. - -					
8.	Simple highway robbery by footpads. - -					
9.	Highway robbery by horsemen. - -					
10.	Cattle stealing. - -					
11.	Homicide. - - -					
12.	Affrays and riots of a serious nature. - -					
13.	Burglary, attended with murder or wounding, or other circumstances of aggravation. - -					
14.	Simple burglary. - -					
15.	Thefts, exceeding 10 Rupees.					
16.	Ditto under 10 Rupees..					
17.	Thangee Daree. - -					
18.	Arson. - -					
19.	Counterfeiting the coin or uttering base coin. -					
20.	Suicide. - -					

N. B. The number of accidental deaths, whether occasioned by falling into rivers, lakes, or wells; by wild beasts, venomous animals, or other causes; also any considerable mortality, whether proceeding from famine, or other cause; and extraordinary event which may be brought to the knowledge of the police officers during the month, shall be noticed at the foot of this statement.

Form No. 5.

FORM No. 5. 6a.

Register of offenders, who have escaped from jail, or for the apprehension of whom proclamations may have been issued, under the provisions of Regulation IX, 1808, or who being charged or suspected of the commission of specific crimes of a heinous nature, may have eluded the pursuits of justice, and for whose apprehension process may have been issued from the Magistrate's Court.

Name and cast of the person, with a specification whether he may have escaped from jail or may have been proclaimed, accused or suspected.	*Name of the father.*	*Supposed age of the offender.*	*Description of his person.*	*Supposed usual place of his residence.*	*Amount of reward offered for his apprehension.*	*Date of the Magistrate's order for the apprehension of the offender.*	*Date of proclamation.*	*Date of apprehension, surrender or ascertained death.*

FORM No. 6.

Register of Village Watchmen and alphabetical list of Villages.

Names of Villages.	*Distance and direction from the Thannah Station.*	*Names of the Proprietors or Managers, and situated in what Pergunnah.*	*Names of the Chokeedars or Watchmen attached to each Village.*	*Estimated number of houses in each Village.*	*Remarks.*

FORM No. 7.

List of the Police Establishment of the Thannah of Kpeckl, for the Month of

Number.	*Name of each Police Officer.*	*Date of Appointment.*	*Date of Discharge.*	*Absent on leave from what date.*	*Amount of Salary due.*

FORM No. 8.

Statement of Dawk Chokees established by the Landholders, &c. for the conveyance of the Public Correspondence to, and from the Thannah of, , situated at the distance of Coss, South from the Sudder Station.

No. of the Chokee	Name of the Village or place where the Chokee may be established, and in what Pergunnah.	Name and residence of the person to whom the papers are to be delivered for dispatch.	Names of the Dawk Peons at each Station.	Name of the Landholder or local Agent, and his place of residence.	Distance of one Chokee from another.	REMARKS, Containing particulars in regard to the direction of one Chokee from another, Rivers, Ghauts, &c. &c.
1	Lal Gunge, Pergunnah Boosuah.	Manick Mundul of Mouza Lal Gunge.	Kullop Pheckoo.	Mahomed Sha, Zemindar, residing at Moorshedabad.		
2	Phoolpoor.	Ramnat Putwaree, of Mouza Phoolpoor.	Maun Sing and Ram Sing.	Ramnat, Farmer, residing at Nattore.	Four coss from Lal Gunge.	South West from Lal Gunge, a Nullah between this and the last Chokee, fordable during the year.

Form No. 9.

BENGAL LIBRARY

FORM No 9. Repealed

Declaration to be subscribed by a Hindoo Prosecutor, exempted from taking an Oath.

I solemnly declare, in the presence of God, that I will state, according to the truth, all the circumstances within my knowledge, regarding the case of . I will not conceal what is true, nor depose to any thing false: if I declare any thing not warranted by the truth, I shall be deserving of punishment from Ishwur.

Declaration to be signed by a Mahomedan Prosecutor, exempted from taking an Oath.

I solemnly declare, in the presence of Almighty God, that I will state, according to the truth, all the circumstances within my knowledge, regarding the case of . I will not conceal what is true, nor depose to any thing false: if I declare any thing not warranted by the truth, I shall be deserving of punishment from God.

(After the Prosecutor has stated the charge, he is to subscribe the following declaration.)

I swear, in the presence of Almighty God, that I have truly and correctly stated all the circumstances within my knowledge, in regard to the case of

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No 10. Repealed

Form of Search Warrant.

Whereas, there is strong cause to suspect, that plundered, or stolen goods or effects are within the dwelling house or premises of (name and cast of suspected person) inhabitant of you are hereby authorized and required, with necessary and proper assistance, to enter into the said dwelling house or premises of the said , and if any goods or effects shall be found therein, which

which there may appear cause to suspect to have been plundered or stolen, you are required to bring the property so found, and also the person of the said , to the Thannah of

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FORM No. 11. Repealed

Subpœna to Prosecutors and Witnesses,

To ;

inhabitant of ,

Whereas your attendance is required to state what you know in the case of ; you are hereby required to appear at the Thannah of , on (day of week) the (date) at the hour of ; herein fail not , dated the (day of month and year current in the jurisdiction.)

FORM No. 12. Repealed

Recognizance to be taken from a Prosecutor.

Whereas I , inhabitant of ; have complained against , inhabitant of ; charging him with : I hereby engage to appear before the magistrate of the zillah (or city) of , on or before the , to prosecute the said complaint; in default whereof, I further bind myself to pay such fine to Government as the magistrate may judge proper to impose upon me, as well as any expense that may be incurred, in consequence of my non-attendance, for compelling my appearance: in this I will not fail: date (according to the current era.)

FORM No. 13.

Recognizance to be taken from a Witness.

Whereas I , inhabitant of ; have been named as a witness in the case of : I here-

by

by engage to appear before the magistrate of the zillah (or city) of , on or before the , for the purpose of giving evidence; in default whereof, I hereby further bind myself to pay such fine to Government as the magistrate may judge proper to impose upon me, as well as any expense that may be incurred, in consequence of my non-attendance, for compelling my appearance: in this I will not fail: dated (according to the current era.)

FORM No. 14.

Certificate of Dispatch.

Name of the Prosecutor or Witness.	*Case.*	*Date of dispatch from the Thannah.*	*Name of the Thannah.*
Ramdial, Witness.	Mothoo, charged with the murder of Ram Sing. Chalan No.	5th April.	Sumbul.

No. 15.

Repealed

Form of Summons.

To , inhabitant of

Whereas your attendance is necessary to answer to a charge of you are hereby required to appear, in person or by vakeel, before the magistrate of the zillah (or city) of , (or at the Thannah of ,) on or before the day of : herein fail not , dated the day of

No. 16.

Form of Summons requiring Bail.

To , inhabitant of

Whereas your attendance is necessary to answer to a charge of : you are hereby required to appear, in person or by vakeel,

before

before the magistrate of the zillah (or city) of , (or at the Thannah of ,) on or before the ; you are further required to furnish a surety (or sureties) in the Sum of Rupees , for your attendance, in person or by vakeel, during the trial of the case before the magistrate.

No. 17.

Form of Warrant.

To

(name and designation of person deputed to serve the warrant.)

Whereas , inhabitant of , stands charged with the crime of ; you are hereby directed to apprehend the said , and to produce him before me; in this fail not.

N. B.——The warrant shall be addressed to the jummadar or other police officer, by whom it is to be executed; and shall, in all practicable cases, bear the seal of the Thannah, and invariably the signature of the officer issuing the process.

FORM No. 18.

Bail Bond.

Whereas , inhabitant of , stands charged with ; and is required to appear before the magistrate of the zillah (or city) of , on or before the , to answer to such charge; I hereby bind myself to produce the said before the said magistrate, on the date aforesaid; and to be answerable for his appearance, until a final order be passed by the magistrate upon the said charge; in default whereof, I further bind myself to forfeit to Government the Sum of Rupees in this I will not fail; dated this day of

Form

FORM No. 19.

Recognizance for keeping the peace.

Whereas , inhabitant of , stands charged with and has been called upon to give security, to keep the peace, whilst such charge is under investigation: I hereby declare myself surety for the said , that he shall not commit any act that can occasion a breach of the peace, whilst the said charge is under examination; in default whereof, I further hereby bind myself to forfeit to Government the Sum of Rupees ; dated this day of

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FORM No. 20.

Distraint.

Process to be delivered to a muzkooree peon, deputed to aid a distrainer.

Whereas (name of the distrainer or of his local agent,) has made oath before me, that he has been opposed or that he fears he may be opposed, in effecting the distraint of certain property, belonging to ; which he considers it necessary to attach for the recovery of an arrear of land rent, amounting to Rupees , due from (name of the defaulter or of his security;) the bearer of this process (name of the muzkooree peon,) has been deputed from this thannah to aid the distress of the property of the said (name of the defaulter or security;) and it is hereby notified to the said (name of the defaulter or security,) that if he disputes the justness of the arrear demanded, it behoves him to apply forthwith under the provisions of Sections XV and XVI, of Regulation V, 1812, to the judge or collector of the zillah, or to the cauzee, or moonsiff of the pergunnah; but that, in the mean time, he is required either to liquidate the amount claimed, or to allow his property to be peaceably distrained, under penalty of disobedience to this requisition, of suffering such punishment as the magistrate may, under the regulations, judge proper to inflict.

Form

A. D. 1817. REGULATION XX.

FORM No. 21.

Repealed

Notice.

All Europeans, not being in the service of His Majesty or of the Honorable Company, are hereby enjoined, on the requisition of the darogah of Police, within the limits of whose jurisdiction they may be residing, to report themselves in writing to the magistrate of the district, on a separate paper, drawn out after the form subjoined.

(To be signed by the Magistrate.)

Statement of Europeans, residing within the jurisdiction of the Thannah of

Name.	*Place of residence.*	*Native country*	*Employment.*	*Year of arrival in India.*	*Authority for residing in India, and date.*	*Authority for residing in this district, and date.*	*Remarks.*

General Abstract of the Contents of Regulation XX. 1817.

Section II. Specification of provisions of former regulations rescinded.

Clause First. Provisions of regulations rescinded.

Second. Ditto ditto.

Section III. Appointment and removal of police officers.

Clause First. Appointment and removal of police officers in whom vested.

Second. Cutwals and darogahs not to nominate subordinate police officers, except when specially directed.

Third. Sunnud to be furnished by magistrates to police officers on their appointment.

Section IV. Relative rank and general functions of officers on the thannah establishments.

Clause First. General duties of darogahs and their controul over the subordinate thannah officers.

Second. Rank and special duties of the mohurir.

Third. Rank and special duties of the jemmadar.

Fourth. Police officers generally to obey the orders of the superintendents of police, and joint and assistant magistrates.

Section V. Rules regarding the use of a seal of office at each thannah, and the badges, arms, and accoutrements of the police burkundauzes.

Clause First. Cutwals and police darogahs to use a seal of office, its description.

Second. Burkundauzes to wear a certain badge, its description; their arms and uniform.

Section

Section VI. Powers and duties of police officers employed at outposts.

Clause First. Police officers stationed at outposts how to be guided.

Second. Officers so stationed to perform their prescribed duties under the controul of the darogahs.

Third. They may apprehend certain description of criminals without a warrant from magistrate or darogahs.

Fourth. Persons so apprehended, to be forwarded immediately to the thannah, with a report on the case.

Section VII. Rules regarding the application of police officers for leave of absence, and the deputation of burkundauzes to the sudder station.

Clause First. Appointment and salary of persons officiating for police officers, how to be regulated.

Appendix No. 8. Second. Burkundauzes dispatched to magistrate's court shall be provided with a certificate.

Third. Which is to be presented to the nazir, who shall report any delay.

Fourth. Burkundauzes how to proceed, on leaving the sudder station.

Section VIII. Records to be kept and preserved at the thannah.

Clause First. Police darogahs and mohurirs carefully to preserve and to promulgate all regulations of Government sent to their thannahs.

Second. Rules for the care, preservation and inspection of the thannah books and registers.

Third. Darogahs to be furnished with blank books of diaries.

Fourth. In these every occurrence to be entered.

Fifth. What circumstances to be entered, when prisoners are apprehended.

Sixth.

Sixth. The purport of every petition, &c. to be entered. Penalty for darogahs' wilful omission or misrepresentation of any official act.

Seventh. Entries how to be attested.

Eighth. Rules for furnishing new diary books when required.

Ninth. A book to be kept, containing copies of reports, returns, &c.

Tenth. Ditto of purwannahs and orders.

Eleventh. Ditto of chelauns.

Twelfth. Ditto of register of heinous offences.

Thirteenth. Ditto of lists of stolen property.

Fourteenth. Ditto of proclaimed offenders.

Fifteenth. Ditto of list of villages comprized within the thannah jurisdiction.

Section IX. Rules regarding returns, reports and statements, to be sent to the magistrates or to the superintendents of police.

Clause First. What abstracts and other documents shall, in future, be transmitted to the magistrate.

Second. A list of the thannah officers entitled to pay, to be sent monthly to the magistrate. Rules for their payment.

Third. Rules to be observed in preparing abstract monthly statements of heinous crimes.

Fourth. Wilful murder to be particularly distinguished. Rules for the classification of homicide, not wilful.

Fifth. Malicious wounding or injuring simply, how to be classed.

Sixth. Affrays, attended with wounding or killing, or violent breach of public peace, how to be classed; drunken broils and assaults, not to be included under that head.

Seventh. All cases of entering or breaking into, at any time or by any means, houses, boats, &c. with intent to rob, how to be classed.

Eighth. Receiving of stolen property, ditto.

Ninth. Arson, (accidental fires not to be included,) ditto.

Tenth. Suicide how to be entered.

Eleventh.

Eleventh. All heinous offences to be reported, though the offenders be not discovered, unsuccessful attempts to commit offences, how to be distinguished.

Twelfth. Form No: 4, to be periodically transmitted to the superintendents of police.

Thirteenth. Rules for writing and dating of all reports, examinations, to be transmitted to the magistrates.

Fourteenth: Rules to be observed in transmitting papers to the foujdarry court.

Fifteenth. Limited time for the execution of orders and processes, to be specified by the magistrate.

Sixteenth. Returns to orders, how to be written and registered.

Seventeenth. In the event of delay in making such returns, the cause to be reported at the expiration of the specified time.

Eighteenth. Reports to be accurate and concise.

Section X. Rules regarding dawks, and for expediting the transmission of official papers to and from the thannahs.

Clause First. Importance of securing the speedy transmission of information.

Second. Superintendence of despatches by dawk in whom vested.

Third All Government dawk officers, throughout the provinces, to convey orders and reports free of expense.

Fourth. Establishment of subordinate dawk stations, peons and pykes to be appointed by zemindars for this duty, where there is no regular dawk General duties of darogahs on this point.

Fifth. Penalty in case of landholders, &c. neglecting the above rules.

Sixth. Rule to prevent delay in the transmission of papers by such dawks.

Seventh. Further rules for the transmission of thannah reports:

Eighth

Eighth. Darogahs to transmit by dawk or otherwise, reports and papers entrusted to them by the native commissioners.

Section XI. Prohibiting various irregular practices on the part of the police officers.

Clause First. Police officers shall not trade.

Second. Darogahs shall not employ police officers on their own private affairs.

Third. Penalties in case of a police officer receiving or demanding money from any of the parties in a criminal process.

Fourth. Darogah to prohibit the permanent employment at his thannah of the agent of any landholder or farmer.

Fifth. Without special authority no darogah shall employ a vakeel at the magistrate's court on official business.

Sixth. Except in cases of emergency, no extra mohurirs shall be employed at thannahs without the sanction of the magistrate.

Seventh. No professional spy to be employed by darogahs without express sanction of magistrates, but individuals to be encouraged to give information, with a view to the apprehension of notorious offenders.

Section XII. Charges not cognizable by police officers.

Clause First. What crimes the darogahs are prohibited from taking cognizance of.

Second. Persons bringing forward complaints of the above description to be referred to the magistrate.

Third. Police officers prohibited from admitting compromises, from interfering in any matter not authorized by the regulations, and from inflicting punishment and exacting money.

Section XIII. General duties of police officers on receiving charges or information of heinous offences.

Clause First. Upon receiving information on oath, or on a hulf-

nama,

nama, of a crime cognizable by him, the darogah shall enquire into the circumstances and examine, publicly or privately, witnesses to the fact.

Second. Evidence not to be detailed, but the substance only to be transmitted to the magistrate.

Third. Sketch of the spot to be transmitted under certain circumstances, and date of occurrence to be accurately noted.

Fourth. Darogahs shall not swear witnesses, except in cases sanctioned by regulation.

Fifth. Darogahs to endeavour to dispatch all evidence, and to secure the attendance of witnesses in due time, so as to prevent delay in the enquiry.

Sixth. When the offenders are unknown, the witnesses to the enquiry shall not be bound over to attend without special orders from the magistrate.

Seventh. Names and persons of known but absconding offenders shall be accurately described.

Eighth. Separate reports to be made, when a person shall, in the course of enquiry, appear to have been guilty of more than one offence, or when zemindars shall have been negligent in reporting.

Ninth. If any person, sent to the magistrate's court, shall be known to have been formerly apprehended, the date of the former case shall also be reported.

Tenth. Rules when darogahs shall have occasion to leave their thannahs. Reports to be dated in the current era of the district.

Section XIV. Rules for holding inquests on occasions of murder, homicides, wounding and unnatural deaths.

Clause First. Landholders and others held responsible for the early communication of unnatural or suspicious deaths. Penalties for neglect.

Second. On receiving information of such cases, the darogah shall immediately proceed in person or dispatch an officer to the spot.

Third.

Third. Connexions or neighbours to be questioned in the first instance.

Fourth. Individuals severely wounded, to be required to describe the circumstance on oath.

Fifth. Rules for inspecting the body of the deceased or of the wounded person.

Sixth. Rules for the description of the place where the body was found.

Seventh. If the deceased be a stranger, to ascertain where he was last seen.

Eighth. If the offenders shall not be speedily discovered, to ascertain whether any person in the neighbourhood bore enmity to the deceased; when the unknown offender is supposed to have been wounded, to examine the neighbouring village surgeons.

Ninth. The sooruthal to be attested by the darogah or police officer, and by a sufficient number of people who may have been present.

Tenth. In cases of murder, the instruments or weapons to be procured, if possible.

Eleventh. Assistance to be procured for wounded persons, who are not to be removed so long as risk attends their removal.

Twelfth. Rules for the disposal of the body in cases of murder or unnatural death.

Section XV. Enquiries to be made by the police officers in cases of gang-robbery, burglaries and other heinous offences.

Clause First In cases of robbery by open violence and certain other heinous offences, the darogah will proceed to the spot or dispatch an officer.

Second. Detail of the enquiries to be pursued in such cases.

Third. Such enquiries are to be committed to writing, and attested by three or more respectable inhabitants of the neighbourhood.

Fourth.

Fourth. Caution against information being withheld in the first instance.

Fifth. Instances of burglary and theft or attempts shall be reported.

Sixth. Accuracy to be observed in the date of the offence and description of the circumstances.

Seventh. Information to be required from the zemindars and others.

Section XVI. Search for plundered or stolen property.

Clause First. Search for stolen property how to be conducted.

Second. Without a written declaration, officers shall not search the interior of any building, except by special order of the magistrate.

Third. Execution of search-warrants to be reported.

Fourth. Representations regarding stolen property to be sent to the magistrate for his orders.

Fifth. Particulars relating to the search; what persons to be present.

Sixth. Surreptitious introduction of articles into the house, to be carefully guarded against.

Seventh. Rules to be observed in searching zenanas.

Eighth. The person in whose house property, alleged to be stolen, is found, being unable to give a good account of the same, shall be forwarded to the magistrate.

Ninth. Rule for the disposal of unclaimed suspicious property.

Tenth. All particulars regarding property, so found, shall be carefully transmitted to the magistrate.

Eleventh. Rule for transmission of valuable articles of small bulk.

Twelfth. Unclaimed or suspected property only shall be removed, not to be restored without magistrate's order.

Thirteenth. In heinous cases a list of property plundered to be affixed in a conspicuous place, and due notice given.

Fourteenth.

Fourteenth. Enquiries to be made from the persons in whose possession the property may be found.

Fifteenth. Person finding suspicious property in his own house or premises, how to proceed.

Sixteenth. Unclaimed property to belong to Government. Rules for its transmission.

Seventeenth. 10 per cent. of the value of stolen property to be granted to the recovering officers.

Section XVII. Duties of police officers with regard to coiners and utterers of base coin.

Darogahs shall search houses of persons accused, upon credible evidence of coining, &c and transmit to magistrate coins, implements and accounts, together with the offenders.

Section XVIII. Duties of police officers in the prevention or suppression of affrays and riots.

Clause First. Officers of police to be present at fairs, festivals, &c.

Second. On notice being given of an intended affray, officers shall require zemindars to disperse the people, on pain of confiscation of the matters in dispute.

Third. They shall endeavour to induce them to disperse or to submit their dispute to arbitration; they shall proclaim aloud the consequences of a breach of the peace, and take certain measures to mark the guilty.

Fourth. Darogahs shall not depute burkundauzes to defend the property of either party.

Fifth. Disputed land or crops shall be described, and boundaries sketched.

Section XIX. Duties of police officers in receiving confessions, and in the treatment of prisoners generally.

Clause First. Examinations of prisoners to be taken without oath

in

in the presence of three or more credible witnesses. Rules in cases of voluntary confession.

Second. Compulsion or holding out hopes or fears to induce confession, strictly prohibited; penalty on conviction.

Third. Special reason must be stated, if the confessiou be received at night, or in any other place than the police thannah.

Fourth. Darogah may hold private verbal examinations.

Fifth. Prisoners confessing to be kept separate.

Sixth. Witnesses to be carefully bound over.

Seventh. Thannah prisoners how to be confined.

Eighth. Prisoners of atrocious character may, in the night time only, be placed in stocks.

Ninth. They may also be forwarded in light hand-cuffs.

Tenth. A strict account shall be taken of unnecessary severity.

Eleventh. Rate of travelling for prisoners.

Twelfth. Headmen and others shall provide for the custody of prisoners passing through their estates or villages.

Thirteenth. What diet money to be allowed to prisoners unable to support themselves during the journey.

Fourteenth. Rules for their being delivered over to the proper officers at the sudder station.

Fifteenth. Prisoners sent from one station to another, shall be transmitted from thannah to thannah by police burkundauzes.

Sixteenth. No prisoner shall be detained at the thannah cutcherry more than forty-eight hours.

Seventeenth. Persons apprehended, whether bailed or not, shall be reported, and shall not be discharged, except on bail or by special order.

Section XX. Rules relating to notorious offenders and to vagrants; their appprehension and discharge.

Clause First. Darogahs in every district to forward to magistrate all notorious characters.

Second.

Second. Credible information being given of such characters, darogahs are to make private inquiries, if they see fit they shall apprehend the person, and, as he accounts for himself, shall discharge or transmit him to magistrate.

Third. But shall not, in the foregoing case, make the enquiries provided for in next clause.

Fourth. Police officer, when directed to make a local enquiry, shall take the evidence of certain persons as to the suspected person's mode of life.

Fifth. This report, if favourable, shall be transmitted to magistrate, if not, witnesses shall be immediately bound over to appear.

Sixth. Persons of bad and suspicious character, discharged from confinement, are to be released in presence of the headmen of their village, who shall be liable to a penalty in the event of their not giving certain enjoined information.

Seventh. Penalty specified.

Eighth. Darogahs shall apprehend all vagrants.

Ninth. On receiving information of their resort, care to be used in their apprehension and examination.

Tenth. When names are not known, darogah may apprehend without a specific warrant; when large bodies of vagrants are assembled, he shall apply for assistance to certain authorities.

Eleventh. In what cases the darogah empowered to admit such persons to bail and to wait the magistrate's orders.

Twelfth. Darogahs enjoined to be careful in the execution of this duty.

Section XXI. Village watchmen.

Clause First. Darogahs shall keep a complete list of village watchmen, zemindars or other authorized persons, to nominate a successor on the occurrence of a vacancy.

Second. Village watchmen subject to police darogahs.

Third.

Third. Rule for the delivery of reports of watchmen residing at a certain distance from the thannahs.

Fourth. Occurrences reported by the village watch, to be entered in thannah diaries.

Fifth. Proclaimed offenders and those taken in the commission of public offences, shall be sent to the thannah by the village watchmen, who shall give the earliest intelligence of the residence of offenders and commission of crimes.

Sixth. Rule for receiving the reports of village watchmen.

Seventh. Supervision to be exercised by the darogah; penalty upon proof of negligence or abuse.

Eighth. Watchmen not to be employed on darogah's private concerns.

Ninth. In places where regular police establishments may be stationed, duties of watching by whom to be performed.

Tenth. The village watchmen to resist robbers to the utmost of their power, and to require zemindars and headmen to lend their assistance in the pursuit and apprehension of criminals; penalty for their refusal.

Section XXII. Concurrent jurisdiction of police darogahs.

Clause First. Darogahs to transmit intelligence of heinous crimes (if the perpetrators be not apprehended,) to neighbouring thannahs.

Second. And may pursue into other thannahs or zillahs.

Third. Under what circumstances a concurrent jurisdiction to be exercised.

Fourth. Rule in the case of a darogah's apprehending offenders in the jurisdiction of another magistrate.

Fifth. Do. with regard to invalid thannahs.

Section XXIII. Prosecutors and witnesses.

Clause First. Subpœnas how and by whom to be served.

Second.

Second. Rules for the execution and delivery of recognizances of witnesses and prosecutors.

Third. Darogah shall, in certain cases, require bail from prosecutors, for their appearance before the magistrate.

Fourth. Witnesses shall be subjected to no restraint, nor required to give security; penalty for refusing to execute recognizance.

Section XXIV. Summons.

Clause First. On complaints supported by oath or solemn declaration summonses shall be issued by police officer, and served by a single burkundauze, and not by the party complaining.

Second. When bail is not required, acknowledgment of receipt of process sufficient.

Third. Forms of bail for trivial or more important offences; bail shall not be excessive.

Fourth. What warrant shall be issued in cases of persons neglecting summons.

Fifth. In case of absence or absconding of the offender, darogah shall require from the head person of his village, an engagement, that he will deliver him up on his return, or give information of his reappearance.

Sixth. Penalty for failure in this engagement.

Section XXV. Arrest of persons and bail.

Clause First. In charges of a serious nature made on oath or solemn declaration, and under certain circumstances, a warrant to be issued.

Second. Warrant by whom to be served and how to be executed.

Third. Darogah to require assistance of landholders and others, when necessary.

Fourth. Offenders taken in the act, to be apprehended without a written warrant.

Fifth.

Fifth. Dwelling houses not to be forcibly entered, except in cases of necessity.

Sixth. Zenanas shall not be entered, except upon credible information, that offenders are there concealed, and the women to be previously allowed to withdraw.

Seventh. Abuse of power subject to exemplary punishment.

Eighth. In what cases bail shall not be accepted.

Ninth. Form of bail.

Tenth. Persons wounding or slaying in self-defence, not to be proceeded against, except under special orders of magistrate.

Eleventh. In cases of manifest necessity, security for peaceable conduct shall be required in addition to bail. Form of recognizance to keep the peace.

Section XXVI. Resistance or evasion of criminal process.

Clause First. Persons resisting process shall be apprehended and sent to magistrate; in extreme cases neighbouring thannah officers shall be required to assist.

Second. Provisions of former regulations modified by the following rules.

Third. Property in other zillahs of landholders resisting process shall be liable to confiscation, under confirmation of Nizamut Adawlut and Government.

Fourth. Property, in land in other zillahs of persons absconding, shall be liable to be attached, with a view to cause their appearance.

Fifth. Discretion vested in magistrate to award a certain fine.

Sixth. Moveable property of persons not being proprietors of land, evading or resisting process, liable to immediate attachment, in case of suspicion of removal.

Seventh. But till the magistrate's orders be known, darogah shall only prevent removal.

Eighth. Rule of proceeding in making the attachment.

Ninth.

Ninth. Property shall be carefully preserved, and a strict account rendered, when the offender shall be entitled to receive it back.

Tenth. In event of non-appearance or continued evasion, property to be sold for payment of fine or benefit of Government.

Eleventh. Rule for proclaiming magistrate's order for appearance.

Twelfth. On non-appearance, darogah shall report the due promulgation with witnesses.

Thirteenth. Darogahs shall assist zemindars required by magistrate to produce offenders; they shall also receive charge of them.

Fourteenth. Darogahs wounding or killing proclaimed offenders, who may resist, to be held guiltless.

Fifteenth. Rewards shall be payable by the magistrate of the zillah or city in which offenders may be apprehended.

Section XXVII. Distraint for arrears of land-rent.

Clause First. Provisions of former regulations modified.

Second. Darogahs shall issue a written process upon occasion of resistance, made to apprehended, to an authorized distrainer.

Third. Deputed peon shall attend to the proceedings of the distrainer.

Fourth. Resistance being offered to the peon, darogah or mohurir, or jemadar, shall proceed to his assistance.——These officers only shall search dwelling houses for distrained property.

Fifth. Burkundauzes shall assist in distraint under orders of darogah, mohurir or jemadar only.

Sixth. Landholders, indigo planters and others, shall not use stocks or other instruments of restraint.

Seventh. Allowance and mode of payment of peons employed in distraint, not in the service of Government.

Section XXVIII. Abkaree.

Clause

Clause first. Darogahs shall assist on the oath of an authorized revenue officer in distraint for arrears of abkaree revenue.

Second. Further rule for the assistance of revenue officers.

Third. In such cases zenanas of respectable persons shall not be entered.

Fourth. Rules to be observed by venders of spirituous liquors.

Fifth. Darogahs shall report infractions of these rules.

Section XXIX. Execution of criminal process in the commercial, salt, and opium departments, and duties of darogahs relating to those departments.

Clause First. Security for the appearance of persons employed under commercial residents accused of bailable offences, how to be given.

Second. In such cases the accused shall not be forced to appear till after the manufacturing season.

Third. Rule for serving summonses on witnesses employed in the Company's aurungs and form of their recognizance.

Fourth. Warrants for offences not bailable shall be served upon persons so employed as upon others. The darogah giving notice to the resident or agent.

Fifth. Darogahs shall assist in the seizure of illicit salt.

Sixth. Shall give notice of all illicit importation, adulteration, or manufacture of salt.

Seventh. They shall not seize, in the first instance, of their own authority.

Eighth. Penalty for the unwarranted seizure of salt by darogahs.

Ninth. Darogahs enjoined to suppress the illicit cultivation of Poppy.

Tenth. Shall report cases of cultivation of the poppy, and

Eleventh. Take security for the offender's appearance before revenue officers.

Twelfth.

Twelfth. Penalty for omitting to send information.

Section XXX. Miscellaneous rules regarding forts, armed men, military stores, dress of sepoys or lascars and badges. Public roads and insane persons.

Clause First. Darogahs shall report all circumstances that may involve danger to the public peace.

Second. They shall apprehend all unauthorized persons dressed in the uniform of Company's sepoys.

Third. What persons may wear the Company's uniform, when not employed on public duty.

Fourth. Persons not in the service of a civil or military officer, shall be apprehended, when wearing a badge or chuprass.

Fifth. Darogahs shall report encroachments on the public roads.

Sixth. Persons dangerously insane shall be sent to the sudder station, unless the friends of the party enter into engagements to prevent their doing mischief.

Section XXXI. Judges of circuit and Europeans.

Clause First. Respect to be shewn to judges of circuit in their progress.

Second. Darogah shall report the arrival and proposed residence of any European not in his Majesty's or the Company's service.

Third. Form of statement to be presented by darogahs to European residents at the close of each English year.

Fourth. These statements to be forwarded to magistrate.

Section XXXII. Despatches of treasure.

Clause First. Darogahs to afford assistance and security to despatches of Government treasure.

Second. And, as far as possible, of bankers and merchants also.

Section

Section XXXIII. Rules relating generally to land holders, managers of estates, &c.

Clause First. Darogahs to make known to landholders their duties in giving information of crimes, apprehending offenders, and preventing affrays.

Second. With this view, magistrates shall be careful to furnish darogahs with extracts or copies of certain regulations.

Third. Zemindars intrusted with the charge of the police to be furnished with copies of and to obey this Regulation.

Section XXXIV. Police of cities.

Cotwals and police officers in cities and towns, to be guided by this Regulation as far as applicable to them.

A. D. 1817. REGULATION XXI.

A REGULATION *for modifying and explaining certain parts of Regulation* IV, 1815.—PASSED *by the Vice-President in Council on the* 28*th October* 1817; *corresponding with the* 13*th Kautic* 1224 *Bengal era; the* 3*d Kautic* 1225 *Fussily; the* 14*th Kautic* 1225 *Willaity; the* 3*d Kautic* 1874 *Sumbut; and the* 16*th Zulhej* 1232 *Higeree.*

Preamble.

WHEREAS it is provided in Regulation IV, 1815, that sundry articles, if imported in the manner specified in the second clause of that regulation, shall be exempt from duty; and whereas it has been considered expedient, with a view to the further encouragement of British commerce, that a like exemption should be extended to sundry other articles; and whereas it has been further deemed advisable to modify and explain some of the provisions at present in force for the collection of Government customs, the following rules have been enacted, to be in force from the date of their promulgation throughout the territories immediately dependent on the presidency of Fort William.

Specification of articles to which the exemption from duty contained in Section III, Regulation IV, 1815, is declared to extend.

II. The exemption from duty contained in Section III, Regulation IV, 1815, is hereby extended to the articles hereinafter specified,

fied, and generally to all articles coming under the description of wrought or unwrought metals, being the produce or manufacture of the United Kingdom of Great-Britain and Ireland; that is to say:—

Cutlery,
Table and kitchen utensils,
Trinkets, composed wholly or chiefly of metals,
Locks, bolts, and hinges,
Scales and weights,
Clocks, watches, and time keepers,
Nails of iron and copper,
Hatchets, hammers, saws, and ironmongery of all sorts,
Sheet copper and sheet iron,
Wire of iron, brass, steel, silver and gold,
Lead, in sheets, cast or rolled,
Copper pumps,
Mathematical instruments,
Fire engines,
Tin ware,
Shot for fowling,
Bellows,
Braziery.

Enumeration of articles, to be considered as marine stores, and as such to be exempt from duty if imported in the manner specified in Section IV, Regulation IV, 1815.

III. The following articles are hereby declared to be marine stores, within the meaning of Section IV, Regulation IV, 1815, and to be exempt from duty, if imported in the manner therein specified.

Anchors,
Blocks of sorts,
Boxes, pump,
Buntin, of sorts,
Masts and spars, of all sorts,
Bells, for ships,
Canvas, of all sorts,

Copper

Copper rings,
Mooring chains,
Channel work, for ships,
Azimuth, hanging, and steering compasses,
Cordage, of all descriptions,
Deals, of sorts,
Capstern furniture,
Time and binnacle glasses,
Grapnels,
Figure heads,
Pump hide,
Kentledge,
Lanterns,
Lines and twine,
Scupper leather,
Sail needles, of sorts,
Spars, of sorts,
Tar and pitch,
Palm irons,
Hawse rollers,
Rosin,
Sheaves and pins, of sorts,
Speaking trumpets, of sorts,
Vitry,
Varnish.

IV. Section LVII, Regulation IX, 1810, is hereby rescinded.

Section LVII, Regulation IX, 1810, rescinded.

V. *First.* All goods which may be originally imported by sea on a British bottom, at any port in the territories subject to the British Government in India, and shall afterwards be re-exported to Calcutta, or any port immediately dependent on this presidency

Goods originally imported on British bottoms at ports subject to the British Government in India to be exempted from further duties on their re-exportation to Calcutta or other subordinate port.

Provided the duty established by the Regulations does not exceed the duty retained at the port where the goods were imported.

Certificates in proof of the duty having been paid, to be produced.

presidency, shall, in cases in which the duty established by the Regulations of this Government, does not exceed the amount of the duty retained at the port into which the said goods were first imported, be exempt from all further duty on their importation into Bengal, on the production of a regular certificate from the proper officer, of the amount so paid and retained at the port of original importation.

In cases in which the established duty may exceed the amount levied at the port where the goods were imported, the difference only to be demanded at Calcutta.

Second. In like manner in cases in which the duty established at this presidency, may exceed the amount retained at the port of original importation, the difference only will be levied on the importation of the goods into Bengal.

Explanation of the rule contained in Section VIII, Regulation IV, 1815.

VI. The rule contained in Section VIII, Regulation IV, 1815, is hereby declared applicable to indigo, the produce of any part of the British territories in India.

The provisions contained in Section XII, Regulation IX, 1810, modified.

VII. *First.* The rules contained in Section XII, Regulation IX, 1810, which provide that an additional duty of 2½ per cent, shall be levied on certain articles, the produce of the vizier's and the Nepaul territories, on exportation by sea; and the provisions regarding drawback, contained in Clause II, Section VIII, and Section X, Regulation IV, 1815, are hereby declared subject to the following modifications.

Goods chargeable with an export duty on which an inland duty has been paid, to be exempted from the export duty on their exportation to the United Kingdom.

Provided such a drawback only be allowed as will reduce the duty retained to 2½ per cent.

In cases where the inland duty shall not exceed that rate, no drawback to be allowed.

Second. In all cases in which an export duty is payable under the existing Regulations on goods which shall have previously paid an inland or transit duty, such export duty shall be altogether remitted on the exportation of such goods to the United Kingdom:—Provided however that in such cases such a drawback only shall be allowed as shall reduce the amount of duty retained to 2½ per cent, and where the inland duty shall not exceed that rate, no drawback shall be allowed.

Third.

Third. In like manner in regard to goods not subject to any transit duty, the prescribed export duty shall, on their exportation to the said United Kingdom, be reduced to 2½ per cent.

On goods not subject to a transit duty the export duty to be reduced to 2½ per cent.

VIII. The schedules annexed to this Regulation, exhibiting the duties payable, and the drawbacks allowed, on the several articles of commerce therein specified, are published for general information.

Schedules exhibiting duties and drawbacks, published for general information.

TABLE.

NO. I.

TABLE of the duties levied on Articles, the produce or manufacture of the United Kingdom, or of Foreign Europe, imported on vessels trading under the provisions of the Acts for regulating the direct and circuitous trade between the United Kingdom and India.

ENUMERATION OF GOODS.	*The produce or manufacture of the United Kingdom.*	*The produce or manufacture of Foreign Europe.*
ANCHORS, and GRAPNELS, ...	No duty.	5 per Cent.
ARTICLES for Wearing Apparel, not of Woollen Manufacture, ...	2½ per Cent.	Ditto.
BEADS, ...	Ditto.	Ditto.
BEER, ...	Ditto.	Ditto.
BELLOWS, ...	No duty.	Ditto.
BIRD SHOT, ...	Ditto.	Ditto.
BLACKING and BRUSHES, ...	2½ per Cent.	Ditto.
BLANKETS, ...	No duty.	Ditto.
BLOCKS, of sorts, ...	Ditto.	Ditto.
BOTTLES, empty, ...	2½ per Cent.	Ditto.
BOXES, Pump, ...	No duty.	Ditto.
BRASS-WORK, and WARE, ...	Ditto.	Ditto.
BROAD CLOTH, ...	Ditto.	Ditto.
BRAZIERY, ...	Ditto.	Ditto.

BUNTIN,

A. D. 1817. REGULATION XXI.

ENUMERATION OF GOODS.	*The produce or manufacture of the United Kingdom.*	*The produce or manufacture of Foreign Europe.*
BUNTIN,	No duty.	5 per Cent.
CAMBLETS,	Ditto.	Ditto.
CANES and RATTANS,	2½ per Cent.	Ditto.
CANVAS,	No duty.	Ditto.
CAPSTERN FURNITURE,	Ditto.	Ditto.
CARRIAGES and CONVEYANCES,	2½ per Cent.	Ditto.
CARPETS, of Woollen Manufacture,	No duty.	Ditto.
CHALK,	2½ per Cent.	Ditto.
CHANNEL WORK for Ships,	No duty.	Ditto.
CLOCKS,	Ditto.	Ditto.
COALS,	2½ per Cent.	Ditto.
COFFIN FURNITURE,	No duty.	Ditto.
COMPASSES—Azimuth, Hanging, and Steering,	Ditto.	Ditto.
CONFECTIONERY and SWEETMEATS,	2½ per Cent.	Ditto.
COPPER, of every description,	No duty.	Ditto.
COPPER PUMPS,	Ditto.	Ditto.
COPPER RINGS,	Ditto.	Ditto.
CORAL,	2½ per Cent.	Ditto.
CORDAGE,	No duty.	Ditto.
CORKS,	2½ per Cent.	Ditto.
COTTON SCREWS—Iron,	No duty.	Ditto.
COTTON YARN and THREAD,	2½ per Cent.	Ditto.
CRYSTAL WARE,	Ditto.	Ditto.
CUTLERY,	No duty.	Ditto.
CYDER and PERRY,	2½ per Cent.	Ditto.
DEALS, of sorts,	No duty.	Ditto.
EARTHEN-WARE,	2½ per Cent.	Ditto.
EATABLES,	Ditto.	Ditto.
ENGRAVINGS,	Ditto.	Ditto.
FIGURE HEADS,	No duty.	Ditto.
FILTERING STONES,	2½ per Cent.	Ditto.
FLINT STONES,	Ditto.	Ditto.
FIRE and GARDEN ENGINES,	No duty.	Ditto.
FURNITURE, Household,	2½ per Cent.	Ditto.

GLASS

ENUMERATION OF GOODS.	*The produce or manufacture of the United Kingdom.*	*The produce or manufacture of Foreign Europe.*
GLASS and GLASS-WARE, of every description, ..	2½ per Cent.	5 per Cent.
GOLD and SILVER LACE, ...	Ditto.	Ditto.
GOLD LEAF, ...	No duty.	Ditto.
GRAPNELS, ...	Ditto.	Ditto.
GUERNSEY SHIRTS, ...	Ditto.	Ditto.
GUNS and PISTOLS, ...	Ditto.	Ditto.
GUNPOWDER, ...	2½ per Cent.	Ditto.
HAMMERS, HATCHETS and SAWS, ...	No duty.	Ditto.
HAWSE ROLLERS, ...	Ditto.	Ditto.
HOSE, Woollen, ...	Ditto.	Ditto.
JEWELLERY, ...	Ditto.	Ditto.
IRON, ...	Ditto.	Ditto.
IRON BUTTS, HOOPS, RIVETS, and SHEET, ..	Ditto.	Ditto.
IRON CABLES, ...	Ditto.	Ditto.
IRON CHAINS, ...	Ditto.	Ditto.
IRON CHESTS, ...	Ditto.	Ditto.
IRON KENTLEDGE, ...	Ditto.	Ditto.
IRON KNEES, ...	Ditto.	Ditto.
IRONMONGERY and IRON WORK, of every description, ...	Ditto.	Ditto.
IRON, PLATE, or WROUGHT, ...	Ditto.	Ditto.
KENTLEDGE, ...	Ditto.	Ditto.
KITCHEN UTENSILS, ...	Ditto.	Ditto.
LACE, ...	2½ per Cent.	Ditto.
LACQUERED WARE, not Metal, ...	Ditto.	Ditto.
LANTHORNS, ...	No duty.	Ditto.
LEAD, IN SHEETS, Cast or Rolled, ...	Ditto.	Ditto.
LEATHER, of sorts, ...	2½ per Cent.	Ditto.
LINES and TWINE, ...	No duty.	Ditto.
LOCKS, BOLTS and HINGES, ...	Ditto.	Ditto.
MANGLES or HACKLES of IRON, ...	Ditto.	Ditto.
MARBLE SLABS and TILES, ...	2½ per Cent.	Ditto.
MASTS, SPARS and OARS, ...	No duty.	Ditto.
MATHEMATICAL INSTRUMENTS, ...	Ditto.	Ditto.

MEDICINES

ENUMERATION OF GOODS.	*The produce or manufacture of the United Kingdom.*	*The produce or manufacture of Foreign Europe.*
MEDICINES,	2½ per Cent.	5 per Cent.
METALS, wrought or unwrought,	No duty.	Ditto.
MOORING CHAINS,	Ditto.	Ditto.
MUSICAL INSTRUMENTS,	2½ per Cent.	Ditto.
NAILS, of IRON, or COPPER,	No duty.	Ditto.
OILS,	2½ per Cent.	Ditto.
OCHRE,	Ditto.	Ditto.
OPIUM,	. . . . .	24 Rs. per Seer.
PAINT and PAINT BRUSHES,	2½ per Cent.	5 per Cent.
PALM IRONS,	No duty.	Ditto.
PERFUMERY,	2½ per Cent.	Ditto.
PIECE GOODS,	Ditto.	Ditto.
PICTURES,	Ditto.	Ditto.
PITCH and TAR,	No duty.	Ditto.
PLATE and PLATED WARE,	Ditto.	Ditto.
PRINTED COTTON, and CALLICOES,	2½ per Cent.	Ditto.
PUMP HIDE,	No duty.	Ditto.
QUICK-SILVER,	. . . . .	Ditto.
RED and WHITE LEAD,	2½ per Cent.	Ditto.
ROSIN,	No duty.	Ditto.
SADLERY,	2½ per Cent.	Ditto.
SAIL NEEDLES,	No duty.	Ditto.
SCUPPER LEATHER,	Ditto.	Ditto.
SEEDS, of Sorts,	2½ per Cent.	Ditto.
SHAWLS, Woollen Manufacture,	No duty.	Ditto.
SHEAVES and PINS,	Ditto.	Ditto.
SHOT,	Ditto.	Ditto.
SODA WATER,	2½ per Cent.	Ditto.
SPARS,	No duty.	Ditto.
SPEAKING TRUMPETS,	Ditto.	Ditto.
SPIRITUOUS LIQUORS,	10 per Cent.	10 per Cent.
SPIRITS of TURPENTINE,	2½ per Cent.	5 per Cent.
STATIONERY and BOOKS,	Ditto.	Ditto.
STEEL,	No duty.	Ditto.

TABLE

ENUMERATION OF GOODS.	*The produce or manufacture of the United Kingdom*	*The produce or manufacture of Foreign Europe.*
TABLE UTENSILS.	No duty.	5 per Cent.
TALLOW, BRITISH, ...	2½ per Cent.	Ditto.
TIME and BINNACLE GLASSES	No duty.	Ditto.
TIN, ...	Ditto.	Ditto.
TIN PLATES and TIN WARE, of every description,	Ditto.	Ditto.
TOBACCO and SNUFF, ...	2½ per Cent.	Ditto.
TOBACCO PIPES, ...	Ditto.	Ditto.
TOYS of IRON, or TIN, ...	No duty.	Ditto.
TYPES, ...	Ditto.	Ditto.
TRINKETS, composed wholly or chiefly of Metal,	Ditto.	Ditto.
TURPENTINE, ...	3½ per Cent.	Ditto.
VARNISH, ...	Ditto.	Ditto.
VEGETABLE SYRUP, ...	Ditto.	Ditto.
VERDIGRISE, ...	Ditto.	Ditto.
VINEGAR, ...	Ditto.	Ditto.
VITRY, ...	No duty.	Ditto.
WATCHES and TIME KEEPERS, ...	Ditto.	Ditto.
WEIGHTS and SCALES, ...	Ditto.	Ditto.
WIRE of IRON, BRASS, STEEL, SILVER and GOLD,	Ditto.	Ditto.
WINES and SPIRITS, ...	10 per Cent.	10 per Cent.
WOOLLENS, ...	No duty.	5 per Cent.
All Articles not specified above, ...	2½ per Cent.	Ditto.

TABLE.

NO. II.

TABLE of the rates of duties levied on the following Goods (not being the produce or manufacture of the United Kingdom, or of Foreign Europe) on their importation into Calcutta by sea, on British or foreign bottoms, and the drawbacks allowed on re-exportation to the United Kingdom on vessels trading under the provisions of the Acts for regulating the direct and circuitous trade between the United Kingdom and India.

ENUMERATION OF GOODS.	*If imported on a British Bottom.*		*If imported on a Foreign Bottom.*	
	Import duty.	*Drawback on re-exportation to the United Kingdom.*	*Import duty.*	*Drawback on re-exportation to the United Kingdom.*
	Per Cent on value.	*Proportion of duty.*	*Per Cent on value.*	*Proportion of duty.*
ALL SPICE,	10	$\frac{3}{4}$ths.	20	$\frac{7}{8}$ths.
ALOE WOOD,	$7\frac{1}{2}$	$\frac{3}{5}$ds.	15	$\frac{5}{6}$ths.
ALUM,	10	$\frac{3}{4}$ths.	20	$\frac{7}{8}$ths.
AMBERGRIS,	$7\frac{1}{2}$	$\frac{3}{5}$ds.	15	$\frac{5}{6}$ths.
ANISE,	ditto	ditto	ditto	ditto
ARRACK—Batavia,	Sa. Rs. 55 per Leagur.	- - - -	Sa. Rs. 110 per Leagur.	- - - -
DITTO—from America,	10	$\frac{3}{4}$ths.	20	$\frac{7}{8}$ths.
DITTO—from Foreign Territories in Asia,	30	$\frac{11}{12}$ths.	60	$\frac{23}{24}$ths.
ARSENIC—Red, White, or Yellow,	10	$\frac{3}{4}$ths.	20	$\frac{7}{8}$ths.
ASSAFŒTIDA,	ditto	ditto	ditto	ditto
ALTAH,	$7\frac{1}{2}$	$\frac{3}{5}$ds.	15	$\frac{5}{6}$ths.
AWL ROOT,	ditto	ditto	ditto	ditto
BEADS, MALAS, or ROZARIES,	ditto	ditto	ditto	ditto
BEETLENUT,	ditto	ditto	ditto	ditto
DITTO—Town Duty,	5	Total	10	Total
BENJAMIN,	$7\frac{1}{2}$	$\frac{3}{5}$ds.	15	$\frac{5}{6}$ths.
BORAX,	5	$\frac{3}{5}$ds.	10	$\frac{3}{4}$ths.
BRANDY,	10	$\frac{3}{4}$ths.	20	$\frac{7}{8}$ths.
DITTO—from Foreign Territories in Asia,	30	$\frac{11}{12}$ths.	60	$\frac{23}{24}$ths.

BRASS

ENUMERATION OF GOODS.	If imported on a British Bottom.		If imported on a Foreign Bottom.	
	Import duty.	Drawback on re-exportation to the United Kingdom.	Import duty.	Drawback on re-exportation to the United Kingdom.
	Per Cent. on value.	Proportion of duty.	Per Cent. on value.	Proportion of duty.
BRASS,	10	$\frac{3}{4}$ths.	20	$\frac{7}{8}$ths.
BRIMSTONE,	ditto	ditto	ditto	ditto
BROCADES,	$7\frac{1}{2}$	$\frac{2}{3}$ds.	15	$\frac{5}{6}$ths.
BUHERA,	10	$\frac{3}{4}$ths.	20	$\frac{7}{8}$ths.
BUCKUM WOOD,	$7\frac{1}{2}$	$\frac{2}{3}$ds.	15	$\frac{5}{6}$ths.
BULLION and COIN,	No duty.	{ no drawback. }	No duty.	{ no drawback. }
CALLIJEERAH,	$7\frac{1}{2}$	$\frac{2}{3}$ds.	15	$\frac{5}{6}$ths.
CAMPHIRE,	10	$\frac{3}{4}$ths.	20	$\frac{7}{8}$ths.
CANVAS,	5	$\frac{2}{3}$ds.	10	$\frac{3}{4}$ths.
CARDAMUMS,	$7\frac{1}{2}$	ditto	15	$\frac{5}{6}$ths.
CARRIAGES,	ditto	ditto	ditto	ditto
CASSIA,	10	$\frac{3}{4}$ths.	20	$\frac{7}{8}$ths.
CHANKS,	$7\frac{1}{2}$	$\frac{2}{3}$ds.	15	$\frac{5}{6}$ths.
CHERAYTA,	10	$\frac{3}{4}$ths.	20	$\frac{7}{8}$ths.
CHINA GOODS,	$7\frac{1}{2}$	$\frac{2}{3}$ds.	15	$\frac{5}{6}$ths.
CLOVES,	10	$\frac{3}{4}$ths.	20	$\frac{7}{8}$ths.
COCHINEAL,	$7\frac{1}{2}$	$\frac{2}{3}$ds.	15	$\frac{5}{6}$ths.
COCOANUTS,	5	$\frac{2}{3}$ds.	10	$\frac{3}{4}$ths.
COFFEE,	$7\frac{1}{2}$	$\frac{2}{3}$ds.	15	$\frac{5}{6}$ths.
COIR,	5	ditto	10	$\frac{3}{4}$ths.
COLUMBO ROOT,	10	$\frac{3}{4}$ths.	20	$\frac{7}{8}$ths.
COOSUM FLOWER,	$7\frac{1}{2}$	$\frac{2}{3}$ds.	15	$\frac{5}{6}$ths.
COPAL or KUHROBA,	10	$\frac{3}{4}$ths.	20	$\frac{7}{8}$ths.
COPPER,	ditto	ditto	ditto	ditto
CORAL,	ditto	ditto	ditto	ditto
CORDAGE,	5	$\frac{2}{3}$ds.	10	$\frac{3}{4}$ths.
COWRIES,	ditto	ditto	ditto	ditto
CRIMDANA,	$7\frac{1}{2}$	ditto	15	$\frac{5}{6}$ths.
DAMMER,	5	ditto	10	$\frac{3}{4}$ths.
DHYE FLOWER,	$7\frac{1}{2}$	ditto	15	$\frac{5}{6}$ths.
ELEPHANT'S TEETH,	ditto	ditto	ditto	ditto
EMBROIDERED GOODS,	ditto	ditto	ditto	ditto

FRANKINCENSE,

ENUMERATION OF GOODS.	If imported on a British Bottom.		If imported on a Foreign Bottom.	
	Import duty.	Drawback on re-exportation to the United Kingdom.	Import duty.	Drawback on re-exportation to the United Kingdom.
	Per Cent. on value.	Proportion of duty.	Per Cent. on value.	Proportion of duty.
FRANKINCENSE,	7½	8/9ds.	15	8/9ths.
GALBANUM,	10	3/4ths.	20	7/8ths.
GALINGALL,	7½	8/9ds.	15	8/9ths.
GHEE,	5	ditto	10	8/9ths.
DITTO, Town duty.	10	Total	20	Total
GIN,	10	3/4ths.	20	7/8ths.
DITTO, from Foreign Territories in Asia,	30	11/12ths.	60	23/24ths.
GOOMOOTOO, and other Articles (Coir excepted) used for the manufacture of Cordage,	No duty.		No duty.	
GOOPEE MATTEE,	18	5/9ths.	26	7/9ths.
GUM ARABIC,	ditto	ditto	ditto	ditto
GUNDEBEROZA,	7½	8/9ds.	15	8/9ths.
HORSES,	No duty.		No duty.	
HURRAH,	10	3/4ths.	20	7/8ths.
HURSINGAH FLOWER,	7½	8/9ds.	15	8/9ths.
HURTAUL,	10	3/4ths.	20	7/8ths.
INDIGO,	5	Total.	10	Total
IRON and manufactured Iron,	10	3/4ths.	20	7/8ths.
JUTTA MUNSEE,	10	ditto	ditto	ditto
IVORY,	7½	8/9ds.	15	8/9ths.
KULLINJEEN,	ditto	ditto	ditto	ditto
KUTCH,	5	ditto	10	8/9ths.
LAC,	ditto	ditto	ditto	ditto
LEAD, Pig, Sheet, milled and small Shot,	10	3/4ths.	20	7/8ths.
LOADH,	7½	8/9ds.	15	8/9ths.
LOBAN,	7½	8/9ds.	15	8/9ths.
MACE,	10	3/4ths.	20	7/8ths.
MADDER,	1½	8/9ds.	15	8/9ths.
MAHOGANY,	ditto	ditto	ditto	ditto
MARINE STORES,	5	ditto	10	3/4ths.
MASTICK,	10	3/4ths.	20	7/8ths.
MORINDA,	7½	8/9ds.	15	8/9ths.

ENUMERATION OF GOODS.	If imported on a British Bottom.		If imported on a Foreign Bottom.	
	Import duty.	Drawback on re-exportation to the United Kingdom.	Import duty.	Drawback on re-exportation to the United Kingdom.
	Per Cent. on value.	Proportion of duty.	Per Cent. on value.	Proportion of duty.
MUNJEET, ...	7½	⅔ds.	15	5/6ths.
MUSK, ...	ditto	ditto	ditto	ditto
MYROBALANS, ...	10	¾ths.	20	7/8ths.
MYRRH, ...	ditto	ditto	ditto	ditto
NUTMEGS, ...	ditto	ditto	ditto	ditto
OILS, Vegetable or Animal, ...	7½	⅔ds.	15	5/6ths.
DITTO, Town Duty, ...	5	Total	10	Total
OIL SEED, ...	7½	⅔ds.	15	5/6ths.
DITTO, Town Duty, ...	5	Total	10	Total
OILS, perfumed or essential, ...	7½	⅔ds.	15	5/6ths.
OPIUM, ...	24 Rs. per Seer	no drawback.	48	no drawback.
ORPIMENT or YELLOW ARSENIC, ..	10	¾ths.	20	7/8ths.
OTTER, ...	7½	⅔ds.	15	5/6ths
OWNLA, ...	10	¾ths.	20	7ths.
PEPPER, black and white	ditto	ditto	ditto	ditto
PIECE GOODS, COTTON, ...	7½	⅔ds.	15	5/6ths.
DITTO SILK, or partly COTTON, and partly SILK, ...	ditto	ditto	ditto	ditto
PIMENTO, ...	10	¾ths.	20	7/8ths.
PIPE STAVES, ...	7½	⅔ds.	15	5/6ths.
PRECIOUS STONES and PEARLS, ..	No duty	- - - -	No duty	- - - -
PRUSSIAN BLUE, ...	10	¾ths.	20	7/8ths.
PUTCHAPAUT, ...	7½	⅔ds.	15	5/6ths.
QUICK SILVER, ...	10	¾ths.	20	7/8ths.
RATANS, ...	7½	⅔ds.	15	5/6ths.
RAW HIDES, ...	5	ditto	10	¾ths.
RED SANDEL WOOD, ...	7½	ditto	15	5/6ths.
RESIN, ...	5	ditto	10	¾ths.
ROSE WATER, ...	7½	ditto	15	5/6ths.
RUM, ...	10	¾ths.	20	7/8ths.
DITTO, from Foreign Territories in Asia, ..	30	11/12ths.	60	23/24ths.
SAFFRON, ...	10	¾ths.	20	7/8ths.

SAGO

ENUMERATION OF GOODS.	If imported on a British Bottom.		If imported on a Foreign Bottom.	
	Import duty.	Drawback on re-exportation to the United Kingdom.	Import duty.	Drawback on re-exportation to the United Kingdom.
	Per Cent. on value.	Proportion of duty.	Per Cent. on value.	Proportion of duty.
SAGO,	7½	⅔ds.	15	⅚ths.
SALT, (Foreign)	3 Rs. per Maund.	no drawback.	6 Rs. per Maund.	no drawback.
SANDEL WOOD, red,	7½	⅔ds.	15	⅚ths.
Ditto, white, or yellow,				
SAPPAN WOOD,	Ditto	ditto	ditto	ditto
SENNA,	10	¾ths.	20	⅞ths.
SOONAMOOKY LEAF,	Ditto	ditto	ditto	ditto
SPIKENARD,	Ditto	ditto	ditto	ditto
STEEL, and MANUFACTURED STEEL,	Ditto	ditto	ditto	ditto
STORAX,	Ditto	ditto	ditto	ditto
SUGAR, wet or dry, including JAGGREE and MOLASSES,	5	⅔ds.	10	¾ths.
Ditto, Town duty,	Ditto	Total	ditto	Total
SULPHUR,	10	¾ths.	20	⅞ths.
TAPE,	7½	⅔ds.	15	⅚ths.
TAIZPAUT,	10	¾ths.	20	⅞ths.
TEAK TIMBER, used for ship building,	No duty.			
THREAD,	7½	⅔ds.	15	⅚ths.
TIN,	10	¾ths.	20	⅞ths.
TINCAL,	5	⅔ds.	10	¾ths.
TOBACCO, town duty only,	10	¾ths.	20	⅞ths.
TOOND FLOWER,	7½	⅔ds.	15	⅚ths.
TUGGAR,	ditto	ditto	ditto	ditto
TURMERIC,	5	ditto	10	¾ths.
Ditto, town duty,	5	Total	10	Total
TURPENTINE,	5	⅔ds.	10	¾ths.
TUTENAGUE,	10	¾ths.	20	⅞ths.
UGGUR,	7½	⅔ds.	15	⅚ths.
VERMILION,	10	¾ths.	20	⅞ths.
VERDIGRISE,	ditto	ditto	ditto	ditto
WAX,	ditto	ditto	ditto	ditto

WAX CANDLES,

A. D. 1817. REGULATION XXI.

ENUMERATION OF GOODS.	*If imported on a British Bottom.*		*If imported on a Foreign Bottom.*	
	Import duty.	*Drawback on re-exportation to the United Kingdom*	*Import duty.*	*Drawback on re-exportation to the United Kingdom*
	Per Cent. on on value.	*Proportion of duty.*	*Per Cent. on on value.*	*Proportion of duty.*
WAX CANDLES, ...	10	$\frac{5}{4}$ths.	20	$\frac{7}{6}$ths.
WINES, ...	ditto	ditto	ditto	ditto
WOOD, of all sorts, used in cabinet work, ..	$7\frac{1}{2}$	$\frac{2}{3}$ds.	15	$\frac{5}{6}$ths.
WOOLLENS, ...	5	ditto	10	$\frac{5}{4}$ths
YELLOW-OCHRE or GOOPEE MATTEE,	10	$\frac{5}{4}$ths.	20	$\frac{7}{6}$ths
All Articles not specied in the above list. ..	5	$\frac{5}{2}$ds.	10	$\frac{5}{4}$ths

TABLE

TABLE.

No. III.

TABLE of internal or transit duties payable on the following articles, and of the drawbacks allowed on exportation by sea to the United Kingdom, on vessels trading under the provisions of the Acts for regulating the direct and circuitous trade between the United Kingdom and India.

ENUMERATION OF GOODS.	*Transit duty.*	*Drawback on exportation to the United Kingdom.*
	Per Cent on value.	*Proportion of duties.*
AJEWAIN or JOWAIN, ...	7½	⅘ds.
ALKALI, ...	5	½
ALOE WOOD, ...	7½	⅘ds.
ALUM, ...	10	¾ths.
AMBERGRIS, ...	7½	⅘ds.
ANISE, or MOURIE, or SONF, ...	Ditto.	Ditto.
ARSENIC, white, red or yellow, ...	10	¾ths.
ASSAFŒTIDA, ...	Ditto.	Ditto.
ALTAH, ...	7½	⅘ds.
AWL ROOT or MORINDA, ...	Ditto.	Ditto.
BEETLENUT, ...	Ditto,	Ditto.
DITTO, Town duty, ...	5	Total.
BENJAMIN, ...	7½	⅘ds.
BLANKETS, ...	5	½
DITTO, imported from Nepaul, ...	2½	No drawback.
BOOTS, SHOES, and SLIPPERS, ...	5	½
BORAX, ...	5	½
DITTO, imported from Nepaul, ...	2½	No drawback.
BRASS, unwrought, ...	10	¾ths.
DITTO, imported from Nepaul, ...	2½	No drawback.
BRIMSTONE, ...	10	¾ths.
BROCADES, ...	7½	⅘ds.
DITTO, from Vizier's or Nepaul Territories, ..	2½	No drawback.
BUHERA, ...	7½	⅘ds.
BUCKUM WOOD, ...	Ditto.	Ditto.

CALIJEERAH.

ENUMERATION OF GOODS.	*Transit duty.*	*Drawback on exportation to the United Kingdom.*
	Per cent on value.	*Proportion of duties.*
CALIJEERAH, ...	7½	⅘ds.
CAMPHIRE, ...	Ditto.	Ditto.
CARDAMUMS, ...	Ditto.	Ditto.
CARPETS, ...	Ditto.	Ditto.
CASSIA, imported from Nepaul, ...	2½	No drawback.
CHANKS, or SAUNKS, ...	7½	⅘ds.
CHERAYTAH, ...	Ditto.	Ditto.
CHOWRIES, ...	5	½
DITTO, imported from Nepaul, ...	2½	No drawback.
CHUCKRASSY, ...	7½	⅘ds.
CHUNAM, to be levied at Calcutta, and Dacca only,	10	⅘ths.
CHUTTA, ...	5	½
CIVET, country produce, - . -	7½	⅘ds.
DITTO, imported from Nepaul, . - -	2½	No drawback.
CLOVES, - -	10	⅘ths.
COCHINEAL, - -	7½	⅘ds.
COCOANUTS, either with, or without bark, -	5	½
COLUMBO ROOT, - -	7½	⅘ds.
COOSUM FLOWER, - -	Ditto.	Ditto.
COPAL or KUHROBA, - -	Ditto.	Ditto.
COPPER, unwrought, - -	10	⅘ths.
DITTO, imported from Nepaul, whether wrought or unwrought. - -	2½	No draw back.
CORAL, - - -	10	⅘ths.
CORIANDER, or DHONEA, - -	7½	⅘ds.
COTTON, cleaned, - -	5 per cent, not exceeding 12 As per maund of 96 Calcutta Sa. Wt.	Total.
DITTO, uncleaned, - -	Ditto not exceeding 4 As. ditto.	Total.
COTTON YARN, - -	7½	⅘ds.
COW TAILS, - - -	5	½
DITTO, imported from Nepaul, - -	2½	No drawback.
CRIMDANAH, - - -	7½	⅘ds.
CUMMIN or JEERAH, - - -	Ditto.	Ditto.
DAMMER, - - - -	5	½
DHYE FLOWER, - - -	7½	⅘ds.
DRY GINGER, - - -	Ditto,	Ditto.
ELEPHANT'S TEETH, - - -	Ditto.	Ditto.

EMBROIDERED

ENUMERATION OF GOODS.	*Transit Duty.*	*Draw back on exportation to the United Kingdom.*
	Per Cent on value.	*Proportion of duty.*
EMBROIDERED GOODS, and BROCADES,	7½	⅘ds.
DITTO, imported from Vizier's, or Nepaul Territories,	2½	No drawback.
FRANKINCENSE,	7½	⅘ds.
FRINGES,	Ditto.	Ditto.
DITTO, imported from the Vizier's, or Nepaul Territories,	2½	No drawback.
FURS,	5	½
DITTO, imported from Nepaul,	2½	No drawback.
GALBANUM, the produce of the country,	7½	⅘ds.
GHEE, Town duty,	10	¾ths.
GOPEE MATTEE,	Ditto.	Ditto.
GUM ARABIC, the produce of the country,	7½	⅘ds.
GUNNIES, and GUNNY BAGS,	5	½
GUNDEBEROZA,	7½	⅘ds.
HOOKAH, and HOOKAH SNAKES,	Ditto.	Ditto.
HURRAH,	Ditto.	Ditto.
HURSINGAH FLOWER,	Ditto.	Ditto.
HURTAL,	10	¾ths.
JARREL red, or white,	Ditto.	Ditto.
INDIGO, the manufacture of the British Territories, on a fixed valuation of one hundred Rupees per Factory maund,	5	Total.
Ditto, the manufacture of the Vizier's Territories,	5	½
IRON,	10	¾ths.
Ditto, imported from Nepaul,	2½	No drawback.
JUTTA MUNSEE,	7½	⅘ds.
IVORY,	Ditto.	Ditto.
KEORAH WATER,	Ditto.	Ditto.
KUTCH,	5	½
LACE, gold and silver,	Ditto.	Ditto.
LEATHER,	Ditto.	Ditto.
LACK, stick, joory, shell, cake and seed,	5	Ditto.
LOADH,	7½	⅘ds.
LOBAN or BENJAMIN,	Ditto.	Ditto.
LONG PEPPER and LONG PEPPER ROOT,	Ditto.	Ditto.
LOOYS,	5	½

LOOYS,

ENUMERATION OF GOODS.	*Transit duty.*	*Drawback on exportation to the United Kingdom.*
	Per cent. on value.	*Proportion of duties.*
LOOYS, imported from Nepaul,	2½	No drawback.
MADDER,	7½	⅘ds.
MASTICK,	Ditto,	Ditto.
MINIUM,	10	¾ths.
MORINDA,	7½	⅘ds.
MOWRY,	Ditto.	Ditto.
MUNJEET or MADDER,	7½	⅘ds.
MUSK,	Ditto.	Ditto.
Ditto, imported from Nepaul,	2½	No drawback.
MYROBALANS,	7½	⅘ds.
MYRRH,	Ditto.	Ditto.
MUSTARD and SESAMUN,	Ditto.	Ditto.
OILS, vegetable or animal,	Ditto.	Ditto.
Ditto, Town duty,	5	Total.
OIL SEED,	7½	⅘ds.
Ditto, Town duty,	5	Total.
OIL, perfumed or essential,	7½	⅘ds.
ORPIMENT or YELLOW ARSENIC,	10	¾ths.
OTTER,	7½	⅘ds.
OWNLA,	Ditto.	Ditto.
PAPER, Bengal,	5	½
PEOREE,	10	¾ths.
PEPPER, black and white,	Ditto.	Ditto.
PIECE GOODS, cotton,	7½	⅘ds.
Ditto, on importation from Vizier's or Nepaul territories,	2½	No drawback.
PIECE GOODS, silk or partly cotton, partly silk,	7½	⅘ds.
Ditto, from Vizier's and the Nepaul territories,	2½	No drawback.
PIPE STAVES,	7½	⅘rds.
PUTCHAPAUT,	Ditto.	Ditto.
PUTTIES,	5	½
RANGAMATTEE or INDIAN RED,	10	¾ths.
RAW HIDES,	5	½
ROSIN,	Ditto.	Ditto.
ROSE WATER,	7½	⅘ds.
SAFFRON,	10	¾ths.
SAL-AMONIAC,	5	½

SALT-PETRE

A. D. REGULATION XXI.

ENUMERATION OF GOODS.	*Transit duty.*	*Drawback on exportation to the United Kingdom.*
	Per cent on value.	*Proportion of duty.*
SALT-PETRE,	7½	⅔ds.
SANDEL WOOD,	Ditto.	Ditto.
SAPPAN WOOD,	Ditto.	Ditto.
SAUL TIMBER,	10	¾ths.
SILK, RAW FILATURE, on a valuation of 7 Rupees per Seer of eighty Calcutta Sicca Weight,	7½	⅔ds.
DITTO, Bengal wound, on a valuation of 6 Rupees per Seer of eighty Calcutta Sicca Weight,	Ditto.	Ditto.
SILK TUSHAH, ad valorem,	Ditto.	Ditto.
DITTO CHASSUM, ad valorem,	Ditto.	Ditto.
SISSOO TIMBER,	10	¾ths.
SENNA,	7½	⅔ds.
SETRINGEES,	Ditto.	Ditto.
SHAWLS,	10	¾ths.
SITSAL,	7½	⅔ds.
SOAP,	5	½
SONF,	7½	⅔ds.
SOOJEE MATTEE,	5	½
SOONAMOOKY LEAF,	7½	⅔ds.
SOONDRY TIMBER,	10	¾ths.
SPIKENARD,	7½	⅔ds.
STEEL,	10	¾ths.
DITTO, imported from Nepaul,	2½	No drawback.
STONE PLATES,	5	½
STORAX,	7½	⅔ds.
SUGAR, JAGGRY, GOOR and SYRUP,	5	½
DITTO, Town Duty,	Ditto.	Total.
SULPHUR,	10	¾ths.
TALLOW CANDLES,	5	½
TAPE,	7½	⅔ds.
DITTO, from Vizier's, or Nepaul Territories,	2½	No Drawback.
TAIZPAUT, imported from Nepaul,	2½	Ditto.
THREAD,	7½	⅔ds.
THREAD, imported from Nepaul, or Viziers' Territories,	2½	No drawback.

TIMBER,

ENUMERATION OF GOODS.	*Transit duty.*	*Drawback on exportation to the United Kingdom.*
	Per cent on value.	*Proportion of duty.*
TIMBER, Viz.		
Saul, Sissoo, Jarool (Red and White) and Soondry,	10	$\frac{4}{5}$ths.
TINCAL,	5	$\frac{1}{2}$
Ditto from Nepaul,	$2\frac{1}{2}$	No drawback.
TOBACCO, Town duty,	10	$\frac{4}{5}$ths.
TOOND FLOWER,	$7\frac{1}{2}$	$\frac{3}{5}$ds.
TUGGAR,	Ditto	Ditto
TURMERIC, Town duty,	5	$\frac{1}{2}$
UGGUR, or Aloe Wood,	$7\frac{1}{2}$	$\frac{3}{5}$ds.
VERMILION,	10	$\frac{4}{5}$ths.
VERDIGRISE,	Ditto	Ditto
VIDRY WARE,	$7\frac{1}{2}$	$\frac{3}{5}$ds.
WAX,	10	$\frac{4}{5}$ths.
WAX CANDLES,		
WOOD used in Cabinet Work,	$7\frac{1}{2}$	$\frac{3}{5}$ds.
WOOLLENS,	5	$\frac{1}{2}$
Ditto Imported from Nepaul,	$2\frac{1}{2}$	No drawback.
YELLOW OCHRE, or GOPEE MATTEE,	10	$\frac{4}{5}$ths.

A. D. 1817. REGULATION XXII.

A REGULATION *for vesting the Judge and Magistrate of Cuttack with power to remove and to appoint the Native Ministerial Officers on his Establishment, without a previous reference to the Provincial Court of Appeal and Circuit for the Division of Calcutta.*—PASSED *by the Vice-President in Council on the* 28*th October* 1817; *corresponding with the* 13*th Kautic* 1224 *Bengal era; the* 3*d Kautic* 1225 *Fusly; the* 14*th Kautic* 1225 *Willaity; the* 3*d Kautic* 1874 *Sumbut; and the* 16*th Zulhij* 1232 *Higeree.*

Preamble.

CONSIDERATIONS connected with the recent disturbances in Cuttack, have rendered it expedient that the officer discharging the functions of judge and magistrate of Cuttack should, for the present, be vested with authority to remove the native ministerial officers attached to the judicial establishment of that district, and to appoint individuals to succeed to vacant offices on his establishment, without applying for the previous sanction or confirmation of the Provincial Court of Appeal and Circuit for the division of Calcutta; the following rules have accordingly been passed, to take effect from the promulgation of this Regulation.

II.

Rules regarding the appointment, removal and resignation of native judicial officers by the Court of Circuit, not to have effect in Cuttack.

II. *First.* Such parts of the existing Regulations as require that the Provincial Court of Appeal and Circuit shall confirm the appointment, removal, and resignation of certain native ministerial officers, including the record keepers, moonsiffs and sudder ameens employed under the authority of the zillah and city judges and magistrates, shall not have effect in the zillah of Cuttack.

The judge and magistrate of Cuttack vested with full power to remove, appoint, or to accept the resignation of such officers, without the previous sanction of the Provincial Court.

Second. The officer discharging the functions of judge and magistrate of Cuttack, is hereby vested with full authority to remove and appoint, or to accept the resignations of the officers above alluded to, without the previous sanction of the Provincial Court of Appeal and Circuit for the division of Calcutta.

A. D. 1817. REGULATION XXIII.

A REGULATION *for modifying certain parts of Regulations XIX and XXXVII, 1793, and for defining the right of Government to the Revenue of Lands not included within the boundaries of Estates for which a settlement has been made.—Passed by the Vice-President in Council on the 28th October 1817; corresponding with the 13th Katick 1224 Bengal era; the 3d Katick 1225 Fusly; the 14th Katick 1225 Willaity; the 3d Katick 1874 Sumbut; and the 16th Zeheja 1232 Higeree.*

THERE is reason to believe that extensive tracts of land lying within that part of the country, which is ordinarily denominated the Sunderbuns, and which at the period of the formation of the permanent settlement were entirely waste, and not included within the limits of purgunnahs, mouzas, or other known divisions of estates for which a settlement was concluded, have been brought into cultivation, and are now occupied by individuals without payment of revenue; and it is likewise understood that extensive tracts of alluvion lands, formed since the period abovementioned, are held in the districts adjoining the Sunderbuns by individuals, without payment of revenue—but the inherent title of Government to a certain proportion of the produce of

Preamble.

of every begah of land, in all cases in which it shall neither have transferred its right thereto for a term, or in perpetuity, nor have limited its demand by a distinct agreement, with the proprietor or possessor, has uniformly been avowed and acknowledged; and in pursuance of that principle, Government are clearly entitled to assess all lands of the nature of those above described.—It may however be apprehended that individuals holding such lands, will avail themselves of the rules by which the claims of Government to resume the revenue of lands held free of assessment, under illegal or invalid tenures, are declared cognizable only in the courts of judicature, to thwart the revenue authorities in the recovery of the just dues of Government from the lands above described, and it is otherwise expedient that those rules should be amended and modified.—It is likewise desirable that the principle upon which the revenue authorities are to proceed in assessing such lands, should be distinctly explained, that individuals may be the better protected against any encroachment on the rights secured to them by the permanent settlement.—The following rules therefore have been enacted, to be in force from the date of their enactment within the districts of the 24-Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge.

Parts of Regulation XIX and XXXVII, so far as they are applicable to the 24-Pergunnahs, Nuddea, Jessore, Dacca Jelalpore and Backergunge, rescinded, and the provisions contained in Section III, to IX, Regulation V, 1813, extended to those districts.

II Sections XII, XIII, XIV, XVI, and XIX, Regulation XIX, and Sections VII, VIII, IX, XI, and XIV, Regulation XXXVII. 1793, in as far as they are applicable to the districts of the 24 Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge, are hereby rescinded, and the provisions contained in Sections III, IV, V, VI, VII, VIII, and IX, Regulation V, 1813, are hereby extended to the above mentioned districts.

The latter provisions applicable to lands held at an inadequate jumma under mocurrary or other tenures, limiting the demand of Government.

III. The provisions contained in Sections III, IV, V, VI, VII, VIII, and IX, Regulation V, 1813, are hereby declared applicable to all lands held at an inadequate jumma under mocurrary or other tenures

tenures, limiting the demand of Government.

IV. *First.* It is hereby declared and enacted, that all lands which at the period of the decennial settlement were not included within the limits of any pergunnah, mouza, or other division of estates for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the period above referred to, nor lands held free of assessment under a valid and legal title of the nature specified in Regulations XIX, and XXXVII, 1793, are, and shall be considered liable to assessment in the same manner as other unsettled mehals, and the revenue assessed on all such lands, whether exceeding 100 begahs or otherwise, shall belong to Government.

Lands not included within the limits of any pergunnah or estates at the decennial settlement, are liable to assessment in the same manner as other unsettled mehals.

Second. The foregoing principle shall be deemed applicable not only to tracts of land such as are described to have been brought into cultivation in the Sunderbuns, but to all Churs and Islands formed since the period of the decennial settlement, and generally to all lands gained by alluvion or dereliction since that period, whether from an introcession of the sea, an alteration in the course of rivers, or the gradual accession of soil on their banks.

The foregoing principle shall be applicable to all Churs and Islands formed since the decennial settlement, and generally to all lands gained by alluvion or alteration in the course of the rivers.

Third. The same principle shall likewise be deemed applicable to all lands, which at the period of the permanent settlement were included within the limits of talooks held by individuals under special pottahs from the collector, such as the Puteet abady, and Jungulboory talooks in the districts of the 24-Pergunnahs and Jessore, and which were not brought under assessment at the above mentioned period—provided however, that in respect to such lands, if in the possession of the original pottah holder, or his legal representative, the conditions of the pottah in regard to the assessment of the land included within the limits specified in that instrument, shall be strictly maintained.

Likewise applicable to certain lands held under special pottahs from the collectors, and not brought under assessment at the permanent settlement.

Proviso.

V.

The collector how to proceed when any lands may be liable to assessment on the principle above specified.

V. *First.* Whenever the collector of any of the districts above mentioned, the commissioner in the Sunderbuns, or other officer exercising the powers of collector, shall have reason to believe that any lands lying within the sphere of his official controul, are liable to assessment on the principle above specified, he shall report the circumstance to the Board of Revenue, or other authority exercising the powers of that board, who, should they be of opinion that proper grounds exist for an enquiry, shall direct the collector or other officer aforesaid, to call upon the holder of the lands, and by a written notice under his official seal and signature to adduce within the period of one month from the receipt of the notice, any documentary, or other evidence tending to establish the fact that the lands were at the period of the decennial settlement included within the limits of an estate for which a permanent settlement may have been concluded, or that a distinct settlement has been concluded for them since that period, or that they are held free of assessment by a valid grant of the nature specified in Regulations XIX, and XXXVII, 1793, and are not liable to assessment on the principle specified in the IVth Section of this Regulation.

To institute particular enquiry regarding the lands.

Second. The collector or commissioner, as the case may be, shall at the same time institute a full and particular enquiry into the circumstances and condition of the land in question at the period of the decennial settlement, and in the case of alluvion land into the period of its formation.

To cause a survey or measurement to be made of such lands.

VI. *First.* When the enquiry described in the foregoing Section shall have been authorized, it shall be competent to the collector or commissioner aforesaid, with the sanction of the Board of Revenue previously obtained, to cause a survey or measurement to be made of all such lands, and of the estate to which such lands are alleged to belong.

The collector declared competent to summon the putwar-

Second. It shall likewise in such cases be competent to the collector

lector or commissioner to summon the putwarry, gomastah, or other person by whom the accounts relating to such lands, or to the estate to which the lands may be alleged to belong, are kept, and to require him to produce all accounts relating to such lands or estate, and to examine him on oath to the truth of such accounts, and on any other matter relating to such accounts, or regarding such lands or estate, in the manner specified in Section XXII, Regulation XII, 1817.

ry, gomastah or other persons for the production of all accounts relating to such lands.

Third. It shall further be competent to the collector or commissioner in the cases above specified, with the sanction of the Board of Revenue, or other authority exercising the powers of that board, to require the person claiming to be the proprietor or farmer of the lands proposed to be assessed, or of the estate to which they are alleged to belong, to attend either in person or by representative, and to produce all the accounts relating to such lands or estate within a reasonable time, not being less than one week.

And to require the personal attendance of the proprietors or farmers of such lands for the production of the requisite accounts.

VII. *First.* Whenever the collector or commissioner shall require the attendance of any proprietor or farmer, or of any putwarry, gomastah or other officer, for the purpose stated in the above Section, he is to serve such proprietor, or other person aforesaid, with a written notice under his official seal and signature, stating the purpose for which his attendance is required, the papers (if any) which he is to bring with him, and the period within which he is to attend.

Written notice to be served on the persons above mentioned for their attendance.

Second. Provided further that the rules contained in Section III, Regulation XIV, 1793, regarding the mode of serving process for the recovery of arrears of revenue, shall be held applicable to processes issued by a collector, or other officer exercising the powers of a collector, under the provisions contained in the two preceding Sections, excepting always so much of the said rules as prescribes

Mode of serving processes.

prescribes that the peon serving the process shall be paid by the party in whose name it is issued.

If the lands shall appear liable to assessment, the collector to forward his proceedings to the Board of Revenue or other proper authority.

VIII. *First.* If it shall appear to the collector or commissioner on due consideration of the documents and other evidence which may be adduced by the holder of the land, regarding which the enquiry above described shall have been instituted, or which may be otherwise received and examined by himself, that the lands are liable to assessment on the principle specified in Section IV, of this Regulation, he shall forward the whole of his proceedings on the subject with his opinion thereon to the Board of Revenue, or other authority vested with the powers of that Board, who will decide after such further enquiry as they may deem requisite, whether the land shall be deemed liable to assessment or otherwise.

If on enquiry the lands may not appear to be liable to asessment, the collector or the commissioner how to proceed.

Second. If the collector after receiving the documents or evidence adduced, and holding the enquiry directed in Section V, of this Regulation, shall be of opinion that the lands are not liable to assessment, he shall nevertheless transmit the whole of his proceedings on the case, with his opinion thereon, to the Board of Revenue, or other authority exercising the powers of that Board, who will decide and issue the proper orders for the assessment of the lands, or for admitting the claim of the holder of the lands.

The collector shall carefully mark all documents produced by a zemindar or other person possessing lands of the nature above described.

IX. *First.* It shall be the duty of the collector or commissioner holding the enquiry described in Section V, carefully to number, mark, date and sign all documents produced by a zemindar or other person possessing lands of the nature above described, in support of his claim, to hold them free of assessment, or as parcel of an estate for which a permanent settlement shall have been concluded, and to insert in his proceedings the title and number of such documents, so that no doubt may exist in regard to their having been exhibited before them.

To state distinctly the grounds on which the revenue of such

Second. It shall likewise be the duty of the collector and the Board

Board of Revenue, to state distinctly in each instance the grounds on which the revenue of any such lands may be resumed, in order that should the case come before the courts of judicature, the issue to be tried may be as plain and simple as possible.

lands may be resumed.

X. The revenue on lands resumed and assessed under the provisions of this Regulation, shall be regulated by the general rules contained in the Regulations for the settlement of lands paying revenue to Government; and the revenue authorities shall follow generally in regard to them the same course as is ordinarily adopted in respect to unsettled mehals, excepting of course in cases in which the undisputed proprietary right to the lands may be vested in Government.

The revenue on lands which may be resumed and assessed how to be regulated.

XI. It shall not be competent to Government or its officers after the question shall have been decided in the manner stated in Section VIII, of this Regulation, to revive the question, or disturb the title of the occupant, except on proof in a court of judicature of fraud or collusion in the previous enquiry.

Officers of Government not competent to revive the question after it has been decided in the manner described in Section VIII, of this Regulation.

XII. *First.* Any person who may consider himself aggrieved by the decision which may be passed by the Board of Revenue or other authority exercising the powers of that Board, under the rules contained in Section VIII of this Regulation, shall be at liberty to institute a suit in the courts of judicature against Government, to try the merits of the said decision—provided that such suit be instituted within the period of six months from the date on which it may be passed.

Persons aggrieved at liberty to institute a suit against Government within the period of 6 months.

Second. Such suits may be instituted, without previous reference to the Governor General in Council, against Government, and shall be defended by the collectors, under the instructions of the Board of Revenue or other authority aforesaid. The courts of judicature

A previous reference to the Governor General in Council not required in such suits

The courts of justice how to proceed.

judicature, in cases in which they may be of opinion that the decision of the revenue authorities has been passed on erroneous grounds, will of course adjudge the plaintiff to be reinstated in possession of the lands in question on the same tenure as he possessed previously to that decision; at the same time awarding to him such costs as may be sufficient to reimburse him for the expense to which he may have been subject; and giving proper directions for the adjustment of the accounts of the collections made from the lands, during the time that they may have been in the charge of the officers of Government.

Courts of justice not to interfere or to stay process previously to the formal decision by the revenue authorities.

Third. But no court of justice shall issue any prohibition or injunction to stay process previously to the formal decision of the case by the revenue officers, nor any precept or other order to prevent the attachment of the land or ejectment of the holder thereof consequent to such decision, until a full and complete trial shall have been had of the merits of that decision by a regular suit instituted under the above Section.

Putwarries or other persons neglecting to produce the requisite accounts or give evidence regarding them liable to certain penalties.

XIII. *First.* If any putwarry, gomastah or other person, by whom the accounts of lands are kept, and who may be summoned by a collector or commissioner under the provisions contained in Sections VI and VII, of this Regulation, shall neglect or omit to produce his original accounts on the requisition of the collector or commissioner, or to give his evidence regarding them, or shall intentionally and deliberately give a false deposition on oath before the collector or commissioner when summoned and examined as aforesaid, or shall alter, fabricate, falsify or mutilate the accounts relating to such lands, or to the estate to which such lands are stated to belong, shall be and be held liable to the pains and penalties specified in Sections XXIII, XXVI, and XXVII, of Regulation XII, 1817, according as the provisions of one or other of those Sections may be applicable to the offence committed by him.

Second.

Second. If the holder of any lands, in regard to which the collector shall have been authorised by the Board of Revenue or other authority exercising the powers of that board, to institute the enquiry described by Section V, of this Regulation, shall refuse, or neglect to furnish the accounts relating to such lands within the period specified in the collector's requisition, the Board of Revenue shall be competent to direct the lands to be immediately attached, and the rents collected on account of Government, in the same manner as if the lands were the property of Government.

If the holder of such lands shall refuse to furnish the accounts, their lands shall be liable to attachment.

Third. In such cases however it shall still be the duty of the collector to make a full enquiry into the title of the holder of the lands, and to transmit his proceedings to the Board, who will decide whether the lands shall be deemed permanently liable to assessment.

The collector is nevertheless to make a full enquiry into the title of the holder of the lands.

Fourth. Provided further, that, if the holder of any lands assessed under the rules of this Regulation, shall institute a suit in court to contest the decision of the revenue authorities, and shall produce any accounts or documents besides such as he may have delivered to the collector, the accounts or documents so produced shall not be received by the Court in evidence, nor shall they have any weight in the decision, any more than if they had never existed, unless he shall shew good cause, to the satisfaction of the Court, for not having produced the said accounts, or documents, and shall prove that he assigned such cause in answer to the collector's requisition.

The Courts of justice how to proceed when accounts may be exhibited by the holder of such lands, which accounts may not have been delivered to the collector.

Fifth. Provided also, that if any proprietor or farmer shall omit or refuse to attend, or to cause his officer or agent to attend, when duly summoned by the collector or commissioner by the time prescribed in the notice issued by the collector or commissioner, or shall omit or refuse to funish the accounts or documents

Proprietors or farmers omitting to attend or refusing to furnish the accounts required from them, liable to a daily fine.

documents required, and to shew sufficient cause for such omission, the Board of Revenue, or other authority exercising the powers of that board, are authorised, and empowered to impose upon him such daily fine, to be payable daily, until he complies with the collector's requisition as they may think adequate to his situation, and circumstances in life, reporting however the amount for the information of the Governor General in Council. The fine when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

Zemindars or other persons resisting the attachment or measurement of their lands, to pay a fine to Government.

XIV. If any zemindar or other person shall resist or cause to be resisted the attachment or measurement of lands, which the Board of Revenue or other authority exercising the powers of that Board shall have authorized the collector or commissioner to attach or measure, under the provisions of this Regulation, or shall resist or cause to be resisted any process duly issued by the collector or commissioner, to compel a putwarry, gomastah, or other officer to produce his accounts, and to give his evidence respecting them under the provisions contained in Section XIII of this Regulation; it shall be competent to the Board of Revenue, or other authority exercising the powers of that board, on being satisfied that he is guilty of the charge, to adjudge the zemindar, or other person so offending, to pay such fine to Government, as may appear to it proper, upon a consideration of his situation, and circumstances in life, and of the offence which he may have committed, and to levy the fine in the mode prescribed for the recovery of arrears of revenue; provided, however, that if the fine shall exceed 500 rupees, the board shall submit a report of the case to the Governor General in Council, and shall not proceed to levy the fine, until they shall receive authority from Government for that purpose.

Such fine when exceeding 500 rupees, shall be reported to the Governor General in Council for orders.

The present Regulation not to affect

XV. Nothing in the present Regulation shall be considered

to

to affect the right of the proprietors of estates, for which a permanent settlement has been concluded, to the full benefit of all waste lands included within the ascertained boundaries of such estates respectively, at the period of the decennial settlement, and which have since been or may hereafter be reduced to cultivation. The exclusive advantages resulting from the improvement of all such lands were guaranteed to the proprietors by the conditions of that settlement, and it being left to the courts of judicature to decide on all contested cases, whether lands assessed under the provisions of this Regulation were included at the period of the decennial settlement within the limits of estates for which a settlement has been concluded, in perpetuity, and to reverse the decision of the revenue authorities in any case in which it shall appear that lands which actually formed at the period in question a component part of such an estate, have been unjustly subjected to assessment under the provisions of this Regulation, the zemindars, and other proprietors of land will be enabled by an application to the courts to obtain immediate redress in any case in which the revenue authorities shall violate, or encroach on the rights secured to them by the permanent settlement.

Waste lands included within the ascertained boundaries of estates for which a permanent settlement has been concluded.

A. D. 1817. REGULATION XXIV.

A REGULATION *for modifying the constitution of the Commission established in the provinces of Behar and Benares, and in the districts of Ramghur, Bhaugulpore and Purneah; for extending the authority of the said Commission to the districts of Dinagepore, and Rungpore; and for better defining the powers to be exercised in certain cases by a single Member of the Board of Revenue, or Commission vested with the authority of that Board.*—PASSED *by the Vice-President in Council on the 9th December* 1817; *corresponding with the 25th Aughun* 1224 *Bengal era; the* 16*th Aughun* 1225 *Fusly; the* 26*th Aughun* 1225 *Willaity; the* 1*st Aughun* 1874 *Sumbut, and the* 29*th Moherrem* 1233 *Higeree.*

Preamble.

WHEREAS it has been deemed advisable to entrust the powers and authority vested by the existing Regulations in the Commissioner in Behar and Benares, to a Board consisting of two Members; and it has also appeared expedient to extend the authority of that Board to the districts of Dinagepore, and Rungpore; and whereas it is desirable to obviate all doubts in regard to the powers vested in a single member of the Board

Board of Revenue, or of a Commission exercising the authority of that Board, the following rules have been enacted, to be in force from the 1st January 1818, throughout the territories immediately dependent on the presidency of Fort William.

The powers and authority vested in the Commissioner in Behar and Benares, entrusted to a Board of Commissioners, consisting of two members.

II. The duties, powers, and authority exercised under the Regulations now in force by the Commissioner in Behar and Benares, within the said Provinces, and in the districts of Ramghur, Bhaugulpore, and Purneah, shall be vested in a Board consisting ordinarily of two members, to be denominated the Board of Commissioners in Behar and Benares; provided, however, that it shall be competent to the Governor General in Council to entrust the powers, and authority of the said Board, to a single Commissioner, whenever circumstances may render that measure advisable.

Proviso for entrusting the said powers to a single Commissioner when deemed necessary.

The superintendence of the revenues of Dinagepore and Rungpore vested in the Board of Commissioners in Behar and Benares.

III. The general superintendence of the revenues of the districts of Dinagepore, and Rungpore, shall be vested in the above-mentioned Board, in the same manner, and with the same powers, and authority, as it is now exercised by the Board of Revenue.

Regulation XIII, 1811, to be applicable to the Board of Commissioners in Behar and Benares.

IV. The rules contained in Regulation XIII, 1811, shall be considered applicable to the said Board of Commissioners, in like manner as they are and shall be considered applicable to the Board of Commissioners in the Ceded and Conquered Provinces.

On what occasions a single member of such Board shall be deemed competant to exercise all the powers of the Board.

V. It is hereby further declared, and enacted, that in the event of the death, resignation, or unavoidable absence of a member of the Board of Revenue, or of a member of any Commission exercising the powers of that Board; a single member of such Board or Commission shall be competent to exercise all the duties, powers and authority vested in such Board collectively, in like manner as in the case specified in Section IV, of the above-mentioned Regulation.

BENGAL SECRETARIAT LIBRARY

A. D. 1817. REGULATION XXV.

A REGULATION *for fixing the Weight of the Pice struck at the Calcutta Mint, and for giving general circulation to Pice struck at any of the Mints subordinate to this Presidency.*—PASSED *by the Vice-President in Council on the 9th December 1817, corresponding with the 25th Aughun 1224 Bengal era; the 16th Aughun 1225 Fussly; the 26th Aughun 1225 Willaity; the 1st Aughun 1874 Sumbut, and the 29th Moherrem 1233 Higeree.*

WHEREAS it has been deemed expedient to adopt some precise rules for the coinage and currency of the copper pice struck in the mint of Calcutta, and also for extending the circulation of those pice, as well as the pice struck at the mints of Benares and Furruckabad, the following rules are therefore enacted, to be in force from the date of their promulgation throughout the provinces immediately dependent on the presidency of Fort William.

Preamble.

II. The copper pice struck at the Calcutta mint, shall be of pure copper, and of the weight of 100 grains troy.

Specification of the weight of copper pice struck at the mint at Calcutta.

III. The inscription shall be on one side, One Pie Sicca, in the Bengalee, Persian and Nagree charactors, and the date on the obverse.

Inscription and date.

IV.

Rate at which the pice shall be issued and received.

IV. The pice shall be issued from the mint and public treasuries at the rate of sixty-four to one sicca rupee, at which rate they will be received again by the public officers in payment of the fractional parts of a rupee, and they shall also be legal tender in payments of the same nature, at the rate of sixty-four to a rupee of the local currency throughout the provinces subject to the presidency of Fort William.

The pice struck at the mints of Benares and Furruckabad to circulate equally with the pice of Calcutta coinage, throughout the provinces.

V. The pice struck at the mints of Benares and Furruckabad, agreeably to the provisions of Regulation X, 1809, Regulation VII, 1814, and Regulation XXI, 1816, shall also be considered as circulating equally with the pice of Calcutta coinage throughout the above-mentioned provinces, and shall in like manner be received as a legal tender in payment of the fractional parts of a rupee of the local currency, at the rate of sixty-four pice for each rupee.

A. D. 1817. REGULATION XXVI.

A REGULATION *for authorizing the circulation of Furruckabad Rupees, coined in either of the Mints of Calcutta, Furruckabad, or Benares, or at any other Mint, established by Order of the Governor General in Council.*—PASSED *by the Vice-President in Council on the* 16*th December* 1817; *corresponding with the* 3*d Poose* 1224 *Bengal era; the* 23*d Aughun* 1225 *Fusly; the* 4*th Poose* 1225 *Willaity; the* 8*th Aughun* 1874 *Sumbut; and the* 6*th Suffer* 1233 *Higeree.*

WHEREAS it may from time to time be found expedient to coin Rupees of the weight and standard of the Furruckabad Rupee at the mints of Calcutta or Benares, it has been deemed advisable to rescind so much of Section II of Regulation XLV, of 1803, as tends to limit the coinage of Furruckabad Rupees to the mint of Furruckabad; and to direct that the following enactment be henceforward in force. Preamble.

II.

Furruckabad Rupees coined in any of the mints, to be the established and legal silver coin in the Ceded and Conquered Provinces.

II The silver coin denominated the Furruckabad Rupee, and of the weight and standard prescribed by Section II, of Regulation III, 1806, struck at the mints of Calcutta, Furruckabad or Benares, or at any other mint, established by order of the Governor General in Council, is hereby declared to be the established and legal silver coin in the Ceded and Conquered Provinces.

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—	—	}		Explained by	—	VI.	*First.*
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—	XXII.	VII. VIII. IX. XI. XII. XIII. XIV. XV. XVII. XVIII. XIX. XXI.		Rescinded by	XX.	II.	*First.*
—	—	X. XVI.		Partly rescinded by	—	—	*Second.*
—	XXIX.	XX.	VII.	Rescinded by	—	—	*First.*
—	XXXI.	X.	—	Ditto	—	—	
—	XXXVII	VII. VIII. IX. XI. XIV.		Partly rescinded by	XI. & XXIII.	II.	
1794	IV.	III.		Partly rescinded by	XII.	II.	
1795	XVI.	XXIII.		Rescinded by	XVII.	XV.	
—	XVII.	VII. VIII. IX. XI. XII. XIII. XIV. XVI. XVII. XVIII. XIX.		Ditto	XX.	II.	*First.*
—	—	X. XV.		Partly rescinded by	—	—	*Second.*
—	XXI.	VII. IX.		Ditto	XVII.	XV.	

Regulations altered, &c. &c.					By what Regulations.		
Year.	Regulation	Section.	Clause.		Regulation.	Section.	Clause.
1795	XXVII.	IX.		Partly rescinded by - -	XII.	II.	
——	XLI.	XII. XIII. XIV. XVI. XIX.		Rescinded by -	XI.	II.	
——	XLII.	VII. VIII. IX. XI. XIV.					
1796	XI.	II. IV.		Modified by - -	XX.	XXVI.	*Second.*
1797	IV.	III.		Explained by -	XVII.	VII.	
——	——	IX.		Rescinded by - -	XX.	II.	*First.*
1798	——	VI.		Ditto - - -	——	——	
1799	VII.	IX. X. XI.		Modified by - -	——	XXVII.	*First.*
——	——	IX.		Partly rescinded by -	——	II.	*Second.*
——	——	XXIII.	IV.	Ditto - - -	——	——	——
1800	IV.	III.		Partly rescinded by -	XX.	II.	*First.*
——	V.	IX. X. XI.		Modified by - -	——	XXVII.	*First.*
——	——	XXV.		Partly rescinded by -	XII.	II.	
1801	I.	VIII.		Ditto - - -	——	——	
——	III.	II.		Additional rules - -	XVII.	XIV.	*First.*
——	VI.	XI.	III.	Rescinded by - -	XX.	II.	*First.*
1803	VII.	IX		Ditto - -	XVIII.	IV.	
——	——	XV.	II.	Explained by - -	XVII.	VII.	
——	XI.	V.	II.	Rescinded by - -	XVIII.	IV.	
——	XXIV.	II.		Explained by - -	VI.	II.	*First, & Second.*
——	XXVIII.	XVII. XIX.		Modified by - - -	XX.	XXVII.	*First.*
——	XXIX.			Partly rescinded by -	XII.	II.	
——	XXXII. XXXV.	VII. VII. VIII. IX. XI. XII. XIII. XIV. XV. XVII. XVIII. XIX. XX. XXV.		Rescinded by - -	XX.	II.	*First.*

Regulations altered, &c. &c.					By what Regulations.		
Year	Regulation.	Section.	Clause		Regulation	Section.	Clause.
1808							
	XXXVII	X.	VII.	Rescinded by	XX.	II.	*First.*
	XLI.	V. & VI.					
——	XXXV.	X. & XVI.		Partly rescinded by	——	——	*Second.*
——	XLV.	II.		Ditto	XXVI.		
——	LIII.	VII.	V.	Rescinded by	XVII.	XVI.	
——	——	V.	II.	Ditto	——	VIII.	*First.*
——	——	——	I.	Explained by	——	——	*Seventh.*
1804	III.	II & IV.		Modified by	XX.	XXVI.	*Second.*
1807	II.			Ditto	XVII.	IX.	*First.*
——	——	III.		Partly rescinded by	——	XII.	*First.*
1808	VII.	VI.		Extended by	——	XVII.	
——	VIII.	VIII.		Rescinded by	——	XVI.	
——	XIII.	IV.		Applied by	XIX.	IV.	
1809	VIII.	III. & IV		Modified by	XVIII.	V.	First, Second, & Third
1810	IX.	XII.		Ditto	XXI.	VII.	
——	——	LVII.		Rescinded by	——	IV.	
——	XVII.	VI & VII		Ditto	XX.	II.	*First.*
1811	I.	XI.		Partly rescinded by	——	——	*Second.*
——	VII.	II. & VII		Rescinded by	——	——	*First.*
——	XIII.			Applied by	XXIV.	IV.	
1812	II.			Amended by	XIV.	II.	
——	III.	VIII.		Rescinded by	XX.	XXVII.	*First.*
——	V.	XXI.		Amended by	XIX.	XIII.	*First.*
1813	V.	III IV V VI VII VIII & IX.		Extended by	XI & XXIII	II.	
——	——	——		Applied by	——	III.	
——	VII.	II.		Amended by	XIX.	XIII.	*First.*
——	XVII.	VII. XIII XIV & XV.		Modified by	VIII.	II III IV V. & VI.	
1814	I.	XV. XVI & XVII.		Applied by	III.	III.	
——	V.	XII.		Partly rescinded by	XX.	III.	*Second.*
——	XXIII.	II. XLIX.	II.	Explained by	III.	IV.	
——	——	XIII.	I.	Modified by	XIX.	XII.	
——	——	XXV XXIX XXXVIII	IV. III. I.	Extended by	III.	II.	
——	XXV.	V.	I.	Modified by	XIX.	II.	*First.*
——	XXVI.	III.	XI.	Applied by	——	IX.	*Second.*
		VII.	II.	Ditto	——	IV.	
		XI.		Modified by	——	XI.	
		XXIII.		Explained by	——	V.	
——	XXVII.	XXV. XXII XXIII	III.	Modified by	——	X.	*First.*
				Rescinded by	——	IX.	——

1815.

Regulations altered, &c. &c.					By what Regulations.		
Year.	Regulation.	Section.	Clause.		Regulation.	Section.	Clause.
181	V.	III. IV.		Extended by	XXI.	II.	
—	—	VIII.		Explained by	—	VI.	
—	V.	—		Rescinded by	IX.	—	
181	I.	—		Extended by	II.	II.	
—	XXII.	IV.		Modified by	VII.	II.	*First.*
1817	XII.	—		Extended by	XIII.	III.	
—	—	XXVI. XXX. XXXIII.		Additional rules by	XVII.	XIII.	
—	XIX.	II.		Explained by	XIX.	III.	*First.*

APPEALS.

To what original Suits and Appeals Regulation XXIII. 1814 applies,	III.	II.	
To what appeals Sections XV. XVI. and XVII. of Regulation I, 1814, are applicable,		II.	
Plaintiffs and Appellants in Suits adjusted by Razeerameh before Moonsiffs and Sudder Ameens are not entitled to receive back the institution fee,		IV.	

CANOONGOES.

Re-establishment of the office of Canoongoe in the several Pergunnahs of Ramghur, Bauglipore, and Purneah,	II.	I.	
Establishment of the office of Canoongoe in Midnapore and Hidgellee,	XIII.	II.	
Provisions of Regulation XII. 1817, extended to these Districts.			

CHOKEEDARS.

Section IV. Regulation XXII. 1816, modified,	VII.	II.	*First.*
Duty of the Superintendent of Police to notify to Government such instances in which it may be expedient to grant an increased monthly allowance to Chokeedars,			*Second.*

CIVIL AND CRIMINAL COURTS.

1. *Civil.*

Part of the Rule contained in Clause I. Section V. Regulation XXV. 1814, and rules in other Regulations relating to the same subject, modified,	XIX.	II.	*First.*
Option granted to Plaintiffs in cases of a certain amount to institute their Suits either in the Provincial, or City, or Zillah Courts,			*Second.*

Explanation

	Regulation.	Section.	Clause.
Explanation of the option granted to Plaintiffs in the preceding Section,	XIX.	III.	*First.*
Plaintiffs may petition a Provincial Court for the transfer of a suit instituted in a City or Zillah Court; but prohibited from instituting a second suit on the same cause of action in another Court,			*Second.*
The existing provisions relative to cases where the cause of action may be disputed, applicable to suits not exceeding ten thousand Rupees,		IV.	
In suits for malgoozary land, not distinctly assessed, manner in which the value of the property is to be assumed; and in cases where the suit is not for a right of property, how the valuation is to be formed,		V.	
Right of appeal under Clause III. Section III. Regulation XXV. 1814,		VI.	*First.*
Second or special appeals in such cases admissible under Section II. Regulation XXVI. 1814,			*Second.*
Special appeals allowed in cases where decrees passed by one or more Courts are inconsistent with each other,		VII.	*First.*
The Court receiving an appeal in such cases may proceed and pass a final judgment, or refer the suit back for revision,			*Second.*
Stamp duty to be refunded in cases where appeals are referred for further investigation—Limitation as to the fee to be paid to pleaders in such cases,		VIII.	
Sections XXXII. and XXXIII. Regulation XXVII. 1814, rescinded,		IX.	*First.*
Rule for the payment of pleaders' fees in summary appeals, and original summary suits,			*Second.*
Deposits on account of pleaders' fees in such cases not requisite, but fees awarded on the decision of a case to be paid into Court—Penalty in case of omission,			*Third.*
Rule for the requisition of stampt receipts for pleaders' fees, contained in Clause III. Section XXV. Regulation XXVII. 1814, modified,		X.	*First.*
If the fees in several suits do not exceed Sixteen Rupees, one consolidated receipt for the whole to suffice,			*Second.*
Discretion vested in the Sudder Dewanny Adawlut and the Provincial Courts to dispense with the rule requiring witnesses to be examined on written interrogatories in special cases; upon such occasions the Zillah or City Judge is to be provided			

with

	Regulation.	Section.	Clause.
with specific instructions upon the points to be investigated, and to examine the witnesses himself,	XIX.	XI.	
Extension of the period prescribed by Clause I. Section XIII. Regulation XXIII. 1814, for the trial of suits by Moonsiffs,		XII	
Zillah and City Judges invested with a discretionary power to try summary suits instituted under Regulation V. 1812; or to refer them to the Collector, or to their Registers,		XIII.	*First.*
Such suits to be referred to the Collectors, when the Judges or Registers cannot decide on them without delay,			*Second.*
Registers when not officiating as Judges, declared incompetent to refer suits to the Collectors—Rule of proceeding in cases where suits instituted under the existing Regulations may be depending before a Register,		XIV.	
Petitions for the arrest of defaulting under tenants and their sureties may be presented to the Judge of the Zillah or City where the defaulter may reside—Prescribed process of arrest to be immediately issued by the Judge,		XV.	*First.*
What such petition is to contain,			*Second.*
Course of proceeding to be pursued by the Judge in case a defaulter after such arrest shall not satisfy the party aggrieved, or shall not furnish security for his appearance before the Judge of the Zillah in which the land is situated—What documents are to accompany the defaulter on such occasions,			*Third.*
In cases, when security is furnished, the petition of arrest, and papers connected with it only to be forwarded,			
Judge of the Zillah or City, where the land is situated, to proceed against the defaulter, as directed by the Regulations,			*Fourth.*
Rule for admitting defaulters and their sureties to bail,		XVI.	*First.*
Judge on receiving sufficient security may, during a summary enquiry, admit a defaulter or surety to bail,			*Second.*
II. CRIMINAL.			
Course to be pursued by a Judge of Circuit, in case of a person brought to trial before him, being acquitted by the fatwa of the law officer, and his			

being

	Regulation.	Section.	Clause.
being of opinion, that the proof against the prisoner is sufficient to convict him of the whole or part of the charge, so as to render him a proper object of punishment,	XVII.	II.	
Law Officers of the Nizamut Adawlut to write their futwa upon trials referred to that Court, under the foregoing Section, as in other referred trials,		III.	
Power vested in two or more Judges of the Nizamut Adawlut, to convict and pass sentence of punishment in certain cases, notwithstanding a futwa of acquittal by the Law Officers of that Court,		IV.	
Course to be pursued by Courts of Circuit, when the evidence of witnesses may on insufficient grounds be deemed inadmissible by the law officers,		V.	
Rule for law officers of the Courts of Circuit in delivering their futwas on charges of adultery, rape, and other offences, within the provisions of the Mahommedan law, for cases of Zena and Fial-i Shuneea, - - - -		VI.	*First.*
Sentence to be passed in such cases by the Judge of Circuit, if the prisoner be convicted, or the futwa declare, that there is strong presumption of his guilt, and the Judge shall concur,			*Second.*
Course to be pursued by the Judge of Circuit, if the prisoner be convicted or presumed guilty of a rape,			*Third.*
Husband alone competent to prefer and prosecute a charge of adultery against a married woman, -			*Fourth.*
Explanation of Section III. Regulation IV. 1797, and Clause II. Section XV. Regulation VII. 1803, in cases of culpable homicide, not amounting to wilful murder, - - - -		VII.	
Clause II. Section V. Regulation LIII. 1803, rescinded.		VIII.	*First.*
Sentence to be passed on persons convicted of murder, in prosecution of robbery, burglary, or theft,			*Second.*
Sentence on persons convicted of robbery by open violence, with or without wounding, or corporal injury, not occasioning homicide, - -			*Third.*
Sentence on persons convicted of burglary, and theft, or of theft, without burglary, or of robbery, not within the provisions for robbery by open violence, if the robbery, burglary or theft, or attempt to commit the same be accompanied with an attempt to commit murder, or with wounding or other corporal injury endangering life—Course to be pursued by the Courts of Circuit			

	Regulation.	Section.	Clause.
cuit on the conviction of persons tried before them on such charges, - - -	XVII.	VIII.	Fourth.
Sentence to be passed by the Courts of Circuit when the offences named in the preceding Clause are not accompanied with the aggravating circumstances therein described, - - -			Fifth.
Explanation of the preceding Clause, as not meant to extend to robbery by open violence, nor to enhance any of the penalties for burglary or theft, when not accompanied with any of the specified acts of aggravation, - - -			Sixth.
Explanation of Clause 1, Section V. Regulation LIII. 1803, as not meant to preclude the Courts of Circuit from adjudging stripes, as well as imprisonment in cases of theft, - - -			Seventh.
The provisions in Regulation II. 1807, for the punishment of wilful perjury, or subornation of perjury, or of forgery, or of procuring forgery, modified, -		IX.	First.
Sentence to be passed on persons convicted before the Court of Circuit of any of the above offences as defined in Regulation II. 1807, or in the present Regulation—Enhanced penalty on those convicted of having forged, or procured to be forged counterfeit coin, stamps or stampt paper, or any promissory note or other security for money—Reservation of power to the Judge of Circuit to mitigate the prescribed punishment to a certain extent, in cases of extenuation, -			Second.
In case of a further mitigation of punishment appearing proper, the Judge of Circuit to pass sentence according to the preceding Clause, and refer the trial to the Nizamut Adawlut, - -			Third.
Provision for the punishment of knowingly and fraudulently uttering forged instruments, counterfeit stampt paper, coin, bank-notes, promissory notes, or other securities for money, - -		X.	First.
Sentence to be passed on persons convicted before Courts of Circuit, or the Nizamut Adawlut, of any of the above offences—Tusheer and stripes may be adjudged by the Court of Circuit in cases of an aggravated nature, or a repetition of the offence, after first conviction and punishment.—Rule in cases of a third conviction after discharge from former convictions, - - -			Second.
Provisions in the above Clauses applicable to per-			

sons

	Regulation.	Section.	Clause.
sons convicted of the several modes of defacing and debasing the gold and silver coin, - -	XVII.	X.	Third.
Persons convicted before a Magistrate of having in possession counterfeit coin or stampt paper without lawful excuse, punishable by fine or three months imprisonment, - - -		XI.	
Part of Section III. Regulation II. 1807, rescinded,		XII	First.
Punishment of godna restricted in future to convicts sentenced to imprisonment for life, - -			Second.
Power of exemption in special cases reserved to the Nizamut Adawlut, - - -			Third.
Manner in which the operation of godna is to be performed on persons liable to it—Direction to the Magistrate to renew the inscription, if defaced,			Fourth.
Sentence to be passed on persons convicted before Courts of Circuit or Nizamut Adawlut of having wilfully given a false deposition on oath or solemn declaration before any public officer authorized to receive the same, - - -		XIII.	First.
Persons convicted of causing another to commit the above offence, to be deemed guilty of subornation of perjury and punishable accordingly under Section IX. of this Regulation, - -			Second.
Recapitulation of Section II. Regulation III. 1801. and additional provisions enacted for the more effectual attainment of the object of that Regulation, - - -		XIV.	First.
The rule in the Section and Regulation above cited, with a discretion to the Judge to commit to prison or admit to bail, declared to extend generally to all allegations of perjury or subornation of perjury in any civil suit or any civil proceedings whatever before certain authorities—Mode of procedure, when the proceedings on which the charges before-mentioned are grounded, are held before a Register, Native Commissioner or other Officer, -			Second.
Mode to be adopted in cases where the proceedings may be held before the Judges of the Provincial Courts of Appeal, or of the Sudder Dewanny Adawlut, or any single Judge of those Courts, -			Third.
The restriction against prosecutions of perjury or subornation of perjury of parties and witnesses in the Civil Courts, extended to similar charges against prosecutors and witnesses in the Criminal Courts, or before any public Officer authorized			

to

	Regulation.	Section.	Clause.
to hold enquiries into offences of a criminal nature	XVII.	XIV.	*Fourth.*
Further restriction when the offence may be alleged to have been committed before a Collector or other public Officer,			*Fifth.*
Provision for the appointment of a public prosecutor, when judged proper by the Magistrate to conduct prosecutions under this Section before the Court of Circuit,			*Sixth.*
Rules contained in former Regulations for the exemption of Bramins convicted of murder in the province of Benares, from capital punishment, rescinded,		XV.	
Clause V. Section VII. Regulation LIII. 1803, and Section VIII. Regulation VIII. 1808, rescinded,		XVI.	
Extension of the provision contained in Section VI Regulation VII. 1808, for a sitting of two or more Judges of the Nizamut Adawlut, in cases where a single Judge of that Court may not concur with the Judge of Circuit in the conviction of a prisoner, to all cases where a Judge of Circuit may recommend a mitigation of punishment, upon grounds which a single Judge of the Nizamut Adawlut may deem insufficient—Opinion of a second Judge of the Nizamut Aduwlut to be taken in such cases,		XVII.	
A single Judge of the Nizamut Adawlut concurring with a Judge of Circuit empowered to grant a mitigation of punishment when it may appear proper, in like manner as two Judges of the Nizamut Adawlut are empowered by Section III. Regulation XIV. 1810,		XVIII.	*First.*
A similar power may be exercised by a single Judge of the Nizamut Adawlut sitting on a criminal trial under Section VI Regulation VIII. 1808, although a mitigation of punishment be not proposed by the Judge of Circuit referring the trial,			*Second.*
COINAGE.			
Such part of Regulation II. 1812, as relates to Table No. 2, thereto annexed, rescinded,	XIV.	II.	
What Table hereafter to be in force, in lieu of No. 2, above alluded to,		III.	
Specification of the weight of Copper Pice struck at the Mint of Calcutta,	XXV.	II	
Inscription and date thereon,		III.	

Rate

	Regulation.	Section.	Clause.
Rate at which Pice shall be issued and received,	XXV.	IV.	
Pice of Benares and Furruckabad coinage to circulate equally with those of Calcutta coinage.		V.	
The legal silver coin in the Ceded and Conquered Provinces to be the Furruckabad Rupee,	XXVI.	II.	
COLLECTORS.			
What provisions are applicable to lands held at an inadequate jumma under any tenure, limiting the demand of Government,	XXIII.	III.	
Lands not included within the limits of any pergunnah or estates at the decennial settlement to be assessed in the same manner as other unsettled mehals,		IV.	*First.*
To what other lands the foregoing principle shall be applicable,			*Second & Third.*
Collector how to proceed when any lands may appear liable to assessment on the abovementioned principle,		V.	*First & Second.*
When he may cause a survey of such lands to be made,		VI.	*First.*
What persons Collector is competent to summon for the production of accounts relating to such lands			*Second & Third.*
These persons to be summoned by written notices,		VII.	*First.*
Mode of serving processes,			*Second.*
If the lands are proved liable to assessment, Collector how to proceed,		VIII.	*First.*
If not liable,			*Second.*
Collector to mark all documents which may be produced, relating to such lands,		IX.	*First.*
Collector and Board of Revenue to state the grounds, when the revenue of such lands may be resumed,			*Second.*
This revenue how to be regulated,		X.	
Officers of Government not competent to revive the question when once decided, except in certain cases,		XI.	
Within what period persons aggrieved may institute a suit against Government,		XII.	*First.*
A previous reference to the Governor General in Council not required in such suits—Courts of Judicature how to proceed regarding them,			*Second.*
Courts of Justice not to interfere previously to the formal decision by the Revenue Authorities,			*Third.*
Penalties to which persons refusing to produce requisite accounts are subject,		XIII.	*First.*

The

	Regulation.	Section.	Clause.
The lands of a holder refusing to furnish requisite accounts, liable to attachment, - -	XXIII.	XIII.	Second.
Collector nevertheless to make a full enquiry into the title of the holder of the lands, -			Third.
Courts of Justice how to proceed when accounts not delivered to the Collector, are exhibited before them, by the holder of such lands, - -			Fourth.
Persons refusing to attend or to produce requisite accounts, liable to a daily fine, - -			Fifth.
Collectors may fine Zemindars resisting attachment or measurement of their lands—If such fine exceed Five hundred Rupees, Board of Revenue to report the same to the Governor General in Council for his orders, - -		XIV.	
What waste lands are not affected by this Regulation, - -		XV.	
COMMISSIONERS.			
The authority of the Commissioner in Behar and Benares extended to the districts of Ramghur, Bhaugulpore, and Purneah, -	I.	II.	
The powers and authority vested in the Commissioner in Behar and Benares, entrusted to a Board of Commissioners, consisting of two members—Provision for entrusting the said powers to a single Commissioner when found necessary, -	XXIV.	II.	
The superintendance of the revenues of Dinagepore and Rungpore to be vested in the said Board.		III.	
Regulation XIII. 1811, applicable to the said Board.		IV.	
On what occasions a single member shall be deemed competent to exercise all the powers of the Board, - - - - -		V.	
CUSTOMS.			
To what duties foreign Salt is liable. -	XV.	II.	
Mode of levying such duty.—Salt liable to forfeiture on breach of this Regulation,		III.	
Salt may be lodged in the Company's Golahs instead of at the Custom House, without payment in the first instance of the duty, but may not be removed until duty be paid, -		IV.	
Salt so lodged to be cleared away within 12 months on payment of the duty. On failure, liable to be sold—Produce how to be disposed of—In certain cases liable to be destroyed, -		V.	
The four rules applied to Salt in the preceding Re			

gulation

	Regulation.	Section.	Clause.
gulation applicable to Opium in the present one	XVI.	II. III. IV. V.	
Specification of articles to which the exemption from duty contained in Section III. Regulation IV. 1815, is declared to extend, - -	XXI.	II.	
Enumeration of articles to be considered as Marine Stores, and as such to be exempt from duty, if imported in the manner specified in Section IV. Regulation IV. 1815, - - -		III.	
Goods originally imported on British bottoms at ports subject to the British Government in India, to be exempt from further duties on their re-exportation to Calcutta or its subordinate ports—Provided that the duty established by the Regulations does not exceed the duty retained at the port where the goods were imported—Certificate in proof of the duty having been paid to be produced,		V.	*First.*
In cases, where the established Duty may exceed the amount levied at the port where the goods were imported, the difference only to be demanded at Calcutta,			*Second.*
Goods chargeable with an export duty on which an inland duty has been paid, to be exempted from the export duty on their exportation to the United Kingdom; provided such a draw-back only be allowed as will reduce the duty retained to 2½ per cent.—In cases where the inland duty shall not exceed that rate, no draw back to be allowed, - - - - -		VII.	*Second.*
Export duty to be reduced to 2½ per cent on goods not subject to a transit duty. - -			*Third.*
CUTTACK.			
Rules regarding the appointment, removal and resignation of Native Judicial officers by the Court of Circuit, not to have effect in Cuttack,	XXII.	II.	*First.*
The Judge and Magistrate of Cuttack to have those powers vested in his own person, - -			*Second.*
DEYRA DOON.			
The tract of country called Deyra Doon to be annexed to Seharunpore, and the existing laws and regulations extended to that tract of country; subject to the following provisions, -	IV.	II.	
Civil Courts prohibited from taking cognizance of suits, if the cause of action shall have arisen previous to the 15th of May, 1803, - -		III.	
Criminal Courts prohibited from taking cognizance			

of

	Regulation.	Section.	Clause.
of offences committed previously to the 15th May, 1815,	IV.	IV.	*First.*
Certain provisions of the Regulations in force, declared inapplicable to offences committed within the Deyra Doon, between the 15th May, 1815, and the promulgation of this Regulation,			*Second.*
Provisions of the Criminal Regulations which may be favorable to the prisoner, to be applicable to such cases,			*Third.*
Power reserved to the Governor General in Council, of fixing the periods for which the settlement of the Land Revenue, shall be formed,		V.	
KUMAOON.			
The British officers in charge of Kumaoon, and other tracts of Country ceded by the Rajah of Nepaul, not to award punishment against offenders, charged with certain crimes of a heinous nature,	X.	II.	
Mode in which such offenders are to be proceeded against,		III.	
Commissioner to be appointed by Government for their trial,		IV.	
Powers vested in the Commissioner,		V.	
Commissioner authorized to release the prisoner if not convicted,		VI.	
Commissioner to refer the case to the Nizamut Adawlut, if the charge be proved,		VII.	
With the proceedings, and a report on the case,		VIII.	
Court of Nizamut Adawlut, to pass their final sentence,		IX.	
Mode in which the sentence is to be carried into effect,		X.	
In what cases the local officers may take cognizance of crimes, committed within the territories of independent States or Chieftains,		XI.	*First.*
The rules contained in certain Sections of this Regulation, to be considered applicable to such cases,			*Second.*
Crimes committed previously to the 15th May, 1815, not cognizable by the British Officers,		XII.	
Sentence how to be regulated with regard to offences committed between the 15th May, 1815, and the period of the promulgation of this Regulation,		XIII.	
Provisions of Criminal Regulations, in favor of the prisoner, applicable to such cases,		XIV.	

NATIVE

	Regulation.	Section.	Clause.
NATIVE OFFICERS.			
Rules in force respecting a prescribed oath to be taken by certain Native officers declared subject to modification, - - - -	XVIII.	II.	*First.*
A solemn declaration substituted for the prescribed oath in such cases, - - - -			*Second.*
Persons by whom such declarations are to be attested and the above rule enforced, - -			*Third.*
To what Native officers, the rules so modified are meant to extend, - - - -		III.	
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Modification of the existing rules, for the appointment of the Law Officers of the Provincial, Zillah, and City Courts, - - - -		V.	
Explanation of provisions in force for a Civil action against the Law and Ministerial Native Officers of the Courts of Judicature, in cases of alleged corruption or extortion, - - -		VI.	*First.*
In what cases a Law or Ministerial Native Officer may be prosecuted in the Criminal Courts, on a charge of corruption, extortion and embezzlement—To what penalties liable on conviction, -			*Second.*
Rule for proceedings to be adopted for the recovery of money or property deposited in the Civil and Criminal Courts, and embezzled by the Native Officers, - - - - -		VII.	*First.*
Summary enquiry to be instituted by the Judge or Judges of the Court in such cases.—Security to be required for the attendance of the Native Officer, or the Officer to be kept in custody, - -			*Second.*
On proof of embezzlement, mode in which the amount is to be recovered. - - -			*Third.*
Similar course to be pursued when public accounts may be withheld by Native Officers, - -			*Fourth.*
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POLICE.			
Reasons for reducing into one Regulation, with amendments and modifications, the several rules			

which

	Regulation.	Section.	Clause.
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Burkundauzes to wear a certain badge—Its description—their arms and uniform. -			*Second.*
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They may apprehend certain description of criminals, without a warrant from Magistrate or Darogahs, - - - -			*Third.*
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Appointment

	Regulation.	Section.	Clause.
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In these every occurrence to be entered,			*Fourth.*
What circumstances to be entered, when prisoners are apprehended,			*Fifth.*
The purport of every petition, &c. to be entered—Penalty for Darogah's wilful omission or misrepresentation of any official act,			*Sixth.*
Entries how to be attested,			*Seventh.*
Rules for furnishing new diary books when required			*Eighth.*
A book to be kept containing copies of reports, returns, &c.			*Ninth.*
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Ditto of lists of stolen property,			*Thirteenth.*
Ditto of lists of Villages comprized within the Thannah jurisdiction,			*Fourteenth.*
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What abstracts and other documents shall in future be transmitted to the Magistrate,			*First.*
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Malicious wounding or injuring simply, how to be			

classed,

	Regulation.	Section.	Clause.
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All cases of entering or breaking into, at any time or by any means, houses, boats, &c. with intent to rob, how to be classed, - - - - -			*Seventh.*
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All heinous offences to be reported, though the offenders be not discovered—Unsuccessful attempts to commit offences, how to be distinguished, -			*Eleventh.*
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Rules for writing and dating of all reports, and examinations, to be transmitted to the Magistrates, -			*Thirteenth.*
Rules to be observed in transmitting papers to the Foujdarry Court, - - - - -			*Fourteenth.*
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Reports to be accurate and concise, - - -			*Eighteenth.*
Rules regarding Dawks, and for expediting the transmission of official papers to and from the Thannahs, - - - -		X.	
Importance of securing the speedy transmission of information, - - - -			*First.*
Superintendence of dispatches by dawk in whom vested, - - - - -			*Second.*
All Government Dawk Officers, throughout the Provinces, to convey orders and reports free of expense, - - - - -			*Third.*
Establishment of subordinate Dawk stations—Peons and Pykes to be appointed by Zemindars for this duty, where there is no regular dawk—General duties of Darogahs on this point, - -			*Fourth.*
Penalty in case of Landholders, &c. neglecting the above rules, - - - -			*Fifth.*
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Further

	Regulation.	Section.	Clause.
Further rules for the transmission of Thannah reports, - - - - -	XX	X.	Seventh.
Darogahs to transmit by dawk or otherwise, reports and papers entrusted to them by the Native Commissioners, - - -			Eighth.
Prohibiting various irregular practices on the part of the Police Officers, - - -		XI.	
Police Officers shall not trade, - - -			First.
Darogahs shall not employ Police Officers, on their own private affairs, - - - -			Second.
Penalties in case of a Police Officer receiving or demanding money from any of the parties in a criminal process, - - - -			Third.
Darogah to prohibit the permanent employment at his Thannah, of the agent of any Landholder or farmer, - - - -			Fourth.
Without special authority no Darogah shall employ a vakeel at the Magistrate's Court on official business, - - - -			Fifth.
Except in cases of emergency, no extra Mohurirs shall be employed at Thannahs without the sanction of the Magistrate, - - -			Sixth.
No professional spy to be employed by Darogahs without express sanction of Magistrates, but individuals to be encouraged to give information, with a view to the apprehension of notorious offenders, - - - -			Seventh.
Charges not cognizable by Police Officers, -		XII.	
What Crimes the Darogahs are prohibited from taking cognizance of, - - - -			First.
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Police Officers prohibited from admitting compromises, from interfering in any matter not authorized by the Regulations, and from inflicting punishment and exacting money, - - -			Third.
General duties of Police Officers on receiving charges or information of heinous offences, - -		XIII.	
Upon receiving information on oath or on a hulfnamah, of a crime cognizable by him, the Darogah shall enquire into the circumstances, and examine, publicly or privately, witnesses to the fact, - - - - - -			First.
Evidence not to be detailed, but the substance only to be transmitted to the Magistrate, - - -			Second.

Sketch

	Regulation.	Section.	Clause.
Sketch of the spot to be transmitted under certain circumstances, and date of occurrence to be accurately noted, - - - - -	XX	XIII.	*Third.*
Darogahs shall not swear witnesses, except in cases sanctioned by Regulation, - - - -			*Fourth.*
Darogahs to endeavour to dispatch all the evidence, and to secure the attendance of witnesses in due time, so as to prevent delay in the enquiry, - -			*Fifth.*
When the offenders are unknown, the witnesses to the enquiry shall not be bound over to attend without special orders from the Magistrate, -			*Sixth.*
Names and persons of known but absconding offenders shall be accurately described, - -			*Seventh.*
Separate reports to be made, when a person shall, in the course of enquiry, appear to have been guilty of more than one offence, or when Zemindars shall have been negligent in reporting, -			*Eighth.*
If any person, sent to the Magistrate's court, shall be known to have been formerly apprehended, the date of the former case shall also be reported, -			*Ninth.*
Rules when Darogahs shall have occasion to leave their Thannahs—Reports to be dated in the current era of the district, - - -			*Tenth.*
Rules for holding inquests on occasions of murder, homicides, wounding and unnatural deaths, -		XIV.	
Land-holders and others held responsible for the early communication of unnatural or suspicious deaths—Penalties for neglect, - - -			*First.*
On receiving information of such cases, the Darogah shall immediately proceed in person or dispatch an officer to the spot, - - -			*Second.*
Connexions or neighbours to be questioned in the first instance, - - - - -			*Third.*
Individuals severely wounded, to be required to describe the circumstance on oath, - -			*Fourth.*
Rules for inspecting the body of the deceased or of the wounded person, - - - -			*Fifth.*
Rules for the description of the place where the body was found, - - - -			*Sixth.*
If the deceased be a stranger, to ascertain where he was last seen, - - - -			*Seventh.*
If the offenders shall not be speedily discovered, to ascertain whether any person in the neighbourhood bore enmity to the deceased; when the unknown offender is supposed to have been wounded, to			

examine

	Regulation.	Section.	Clause.
examine the neighbouring Village Surgeons,	XX	XIV.	*Eighth.*
The sooruthal to be attested by the Darogah or Police Officer, and by a sufficient number of people who may have been present,			*Ninth.*
In cases of murder, the instruments or weapons to be procured, if possible,			*Tenth.*
Assistance to be procured for wounded persons—who are not to be removed so long as risk attends their removal,			*Eleventh.*
Rules for the disposal of the body in cases of murder or unnatural death,			*Twelfth.*
Enquiries to be made by the Police Officers in cases of gang robbery, burglaries and other heinous offences.		XV.	
In cases of robbery by open violence and certain other heinous offences, the Darogah will proceed to the spot or dispatch an officer,			*First.*
Detail of the enquiries to be pursued in such cases,			*Second.*
Such enquiries are to be committed to writing, and attested by three or more respectable inhabitants of the neighbourhood,			*Third.*
Caution against information being withheld in the first instance,			*Fourth.*
Instances of burglary and theft, or attempts, shall be reported,			*Fifth.*
Accuracy to be observed in the date of the offence and description of the circumstances,			*Sixth.*
Information to be required from the Zemindars and others,			*Seventh.*
Search for plundered or stolen property,		XVI.	
Search for stolen property how to be conducted,			*First.*
Without a written declaration, officers shall not search the interior of any building, except by special order of the Magistrate,			*Second.*
Execution of search warrants to be reported,			*Third.*
Representations regarding stolen property to be sent to the Magistrate for his orders,			*Fourth.*
Particulars relating to the search—What persons to be present,			*Fifth.*
Surreptitious introduction of articles into the house, to be carefully guarded against,			*Sixth.*
Rules to be observed in searching Zenanas,			*Seventh.*
The person in whose house property, alleged to be stolen, is found, being unable to give a good account of the same, shall be forwarded to the			

Magistrate,

	Regulation.	Section.	Clause.
Magistrate, - - -	XX	XVI.	Eighth.
Rules for the disposal of unclaimed suspicious property, - - - -			Ninth.
All particulars regarding property, so found, shall be carefully transmitted to the Magistrate, -			Tenth.
Rule for transmission of valuable articles of small bulk, - - - -			Eleventh
Unclaimed or suspected property only shall be removed—Not to be restored without Magistrate's order - - -			Twelfth.
In heinous cases a list of property plundered to be affixed in a conspicuous place, and due notice given, - - - -			Thirteenth.
Enquiries to be made from the persons in whose possession the property may be found, - -			Fourteenth.
Person finding suspicious property in his own house or premises, how to proceed, - -			Fifteenth.
Unclaimed property to belong to Government—Rules for its transmission, - - - -			Sixteenth.
Ten per cent of the value of stolen property to be granted to the recovering officers,			Seventeenth
Duties of Police Officers with regard to coiners and utterers of base Coin, - - -			
Darogahs shall search houses of persons accused, upon credible evidence of coining, &c and transmit to Magistrate Coins, implements and accounts together with the offenders, - -		XVII.	
Duties of Police Officers in the prevention or suppression of affrays and riots, - -		XVIII.	
Officers of Police to be present at fairs, festivals, &c			First.
On notice being given of an intended affray, Officers shall require Zemindars to disperse the people, on pain of confiscation of the matter in dispute,			Second.
They shall endeavour to induce them to disperse or to submit their dispute to arbitration; they shall proclaim aloud the consequences of a breach of the peace, and take certain measures to mark the guilty, - - - - -			Third.
Darogahs shall not depute Burkundazes to defend the property of either party, - -			Fourth.
Disputed land or crops shall be described, and boundaries sketched, - -			Fifth.
Duties of Police Officers in receiving confessions, and in the treatment of prisoners generally, - -		XIX.	

Examinations

	Regulation.	Section.	Clause.
Examinations of prisoners to be taken without oath in the presence of three or more witnesses—Rules in cases of voluntary confession,	XX.	XIX.	*First*
Compulsion or holding out hopes or fears to induce confession, strictly prohibited—Penalty on conviction,			*Second.*
Special reason must be stated, if the confession be received at night, or in any other place than the Police Thannah,			*Third.*
Darogah may hold private verbal examinations,			*Fourth.*
Prisoners confessing to be kept separate,			*Fifth.*
Witnesses to be carefully bound over,			*Sixth.*
Thannah prisoners how to be confined,			*Seventh.*
Prisoners of atrocious character may, in the night time only, be placed in stocks,			*Eighth.*
They may also be forwarded in light hand cuffs,			*Ninth.*
A strict account shall be taken of unnecessary severity,			*Tenth.*
Rate of travelling for prisoners,			*Eleventh.*
Head men and others shall provide for the custody of prisoners passing through their estates or villages,			*Twelfth.*
What diet money to be allowed to prisoners unable to support themselves during the journey,			*Thirteenth.*
Rules for their being delivered over to the proper Officers at the sudder station,			*Fourteenth.*
Prisoners sent from one station to another, shall be transmitted from Thannah to Thannah by Burkundazes,			*Fifteenth.*
No prisoner shall be detained at the Thannah Cutcherry more than forty eight hours,			*Sixteenth.*
Persons apprehended, whether bailed or not, shall be reported, and shall not be discharged, except on bail or by special order,			*Seventeenth*
Rules relating to notorious offenders and to vagrants—Their apprehension and discharge,		XX	
Darogahs in every district to forward to Magistrate all notorious characters,			*First.*
Credible information being given of such characters, darogahs are to make private enquiries—If they see fit, they shall apprehend the person, and as he accounts for himself, shall discharge or transmit him to Magistrate,			*Second.*
But not authorized by the foregoing Rule to make the enquiries provided for in the next Clause,			*Third.*

Police

	Regulation.	Section.	Clause.
Police Officer, when directed to make a local enquiry, shall take the evidence of certain persons as to the suspected person's mode of life,	XX	XX	*Fourth.*
This report, if favourable, shall be transmitted to Magistrate, if not, witnesses shall be immediately bound over to appear,			*Fifth.*
Persons of bad and suspicious character discharged from confinement, are to be released in presence of the head-men of their villages, who shall be liable to a penalty, in the event of their not giving certain enjoined information,			*Sixth.*
Penalty specified,			*Seventh.*
Darogahs shall apprehend all vagrants,			*Eighth.*
On receiving information of their resort, care to be used in their apprehension and examination,			*Ninth.*
When names are not known, Darogah may apprehend without a specific warrant: when large bodies of vagrants are assembled, he shall apply for assistance to certain authorities,			*Tenth.*
In what cases Darogah empowered to admit such persons to bail and to wait the Magistrate's orders			*Eleventh*
Darogahs enjoined to be careful in the execution of this duty,			*Twelfth.*
Village watchmen,		XXI.	
Darogahs shall keep a complete list of village watchmen—Zemindars, or other authorized persons, to nominate a successor on the occurrence of a vacancy,			*First.*
Village watchmen subject to Police Darogahs,			*Second.*
Rule for the delivery of reports of watchmen residing at a certain distance from the Thannahs,			*Third.*
Occurrences reported by the village watch to be entered in Thannah diaries,			*Fourth*
Proclaimed offenders and those taken in the commission of public offences, shall be sent to the Thannah by the village watchmen, who shall give the earliest intelligence of the residence of offenders and commission of crimes,			*Fifth.*
Rule for receiving the reports of village watchmen,			*Sixth.*
Supervision to be exercised by the Darogah—Penalty upon proof of negligence or abuse,			*Seventh.*
Watchmen not to be employed on Darogah's private concerns,			*Eighth.*
In places where regular Police establishments may be stationed, duties of watching by whom to be performed,			*Ninth.*
The Village watchmen to resist robbers to the ut-			

most

	Regulation.	Section	Clause.
most of their power and to require Zemindars and head men to lend their assistance in the pursuit and apprehension of criminals—Penalty for their refusal,	XX.	XXI.	*Tenth.*
Concurrent jurisdiction of Police Darogahs,		XXII.	
Darogahs to transmit intelligence of heinous crimes (if the perpetrators be not apprehended,) to neighbouring Thanahs,			*First.*
And may pursue into other Thanahs or Zillahs,			*Second.*
Under what circumstances concurrent jurisdiction to be exercised,			*Third.*
Rule in the case of a Darogah's apprehending offenders in the jurisdiction of another Magistrate,			*Fourth.*
Rule with regard to Invalid Thanahs,			*Fifth.*
Prosecutors and witnesses,		XXIII	
Subpœnas how and by whom to be served,			*First.*
Rules for the execution and delivery of recognizances of witnesses and prosecutors,			*Second.*
Darogah shall in certain cases, require bail from prosecutors, for their appearance before the Magistrate,			*Third.*
Witnesses shall be subjected to no restraint, nor required to give security—Penalty for refusing to execute recognizance,			*Fourth.*
Summons,		XXIV.	
On complaints supported by oath or solemn declaration, summonses shall be issued by Police Officer, and served by a single Burkundaze, and not by the party complaining,			*First.*
When bail is not required, acknowledgement of receipt of process sufficient,			*Second.*
Forms of bail for trivial or more important offences—Bail shall not be excessive,			*Third.*
What warrant shall be issued in cases of persons neglecting summons,			*Fourth.*
In case of absence or absconding of the offender, Darogah shall require from the head person of his village, an engagement, that he will deliver him up on his return, or give information of his appearance,			*Fifth.*
Penalty for failure in this engagement,			*Sixth.*
Arrest of persons and bail,		XXV.	
In charges of a serious nature made on oath or solemn declaration, and under certain circumstances, a warrant to be issued,			*First.*

Warrant

	Regulation.	Section.	Clause.
Warrant by whom to be served and how to be executed, - - -	XX	XXV.	Second.
Darogah to require assistance of landholders and others when necessary, - - -			Third.
Offenders taken in the act, to be apprehended without a written warrant, - - - -			Fourth.
Dwelling houses not to be forcibly entered, except in cases of necessity, - - -			Fifth.
Zenanas shall not be entered, except upon credible information, that offenders are there concealed, and the women to be previously allowed to withdraw, - - - - -			Sixth.
Abuse of power subject to exemplary punishment,			Seventh.
In what cases bail shall not be accepted, -			Eighth
Form of bail, - - - - -			Ninth.
Persons wounding or slaying in self defence, not to be proceeded against, except under special orders of Magistrate, - - - -			Tenth.
In cases of manifest necessity, security for peaceable conduct shall be required in addition to bail — Form of recognizance to keep the peace, - -			Eleventh
Resistance or evasion of criminal process, -		XXVI.	
Persons resisting process shall be apprehended and sent to Magistrate; in extreme cases neighbouring Thannah Officers shall be required to assist.			First.
Provisions of former Regulations modified by the following Rules, - - - -			Second.
Property in other Zillahs of landholders resisting process shall be liable to confiscation, under confirmation of Nizamut Adawlut, and Government.			Third.
Property in Land, in other Zillahs of persons absconding, shall be liable to be attached, with a view to cause their appearance, -			Fourth.
Discretion vested in Magistrate to award a certain fine, - - - - -			Fifth.
Moveable property of persons not being proprietors of Land, evading or resisting a process, liable to immediate attachment in case of suspicion of removal, - - - - -			Sixth.
But till the Magistrate's orders be known, Darogah shall only prevent removal, - -			Seventh.
Rule of proceeding in making the attachment, -			Eighth.
Property shall be carefully preserved, and a strict account rendered, when the offender shall be entitled to receive it back, - - - -			Ninth.

In

	Regulation.	Section.	Clause.
In event of non-appearance or continued evasion, property to be sold for payment of fine or benefit of Government,	XX.	XXVI	Tenth.
Rule for proclaiming Magistrate's order for appearance,			Eleventh
On non-appearance, Darogah shall report the due promulgation with witnesses,			Twelfth.
Darogahs shall assist Zemindars required by Magistrate to produce offenders; they shall also receive charge of them,			Thirteenth.
Darogahs wounding or killing proclaimed offenders who may resist, to be held guiltless,			Fourteenth.
Rewards shall be payable by the Magistrate of the Zillah or City in which offenders may be apprehended,			Fifteenth
Distraint for arrears of land rent,		XXVII.	
Provisions of former Regulations modified,			First.
Darogahs shall issue a written process upon occasion of resistance, made or apprehended, to an authorized distrainer,			Second.
Deputed peon shall attend to the proceedings of the distrainer,			Third.
Resistance being offered to the peon, Darogah or Mohurir, or Jemadar shall proceed to his assistance—These Officers only shall search dwelling houses for distrained property,			Fourth.
Burkundauzes shall assist in distraint under orders of Darogah, Mohurir or Jemadar only,			Fifth.
Landholders, indigo planters and others, shall not use stocks or other instruments of restraint,			Sixth.
Allowance and mode of payment of peons employed in distraint, not in the service of Government,			Seventh.
Abkaree,		XXVIII.	
Darogahs shall assist on the oath of an authorized revenue officer in distraint for arrears of Abkaree revenue,			First.
Further rule for the assistance of revenue officers,			Second.
In such cases zenanas of respectable persons shall not be entered,			Third.
Rules to be observed by venders of spirituous liquors,			Fourth.
Darogahs shall report infractions of these rules,			Fifth.
Execution of criminal process in the commercial, salt and opium departments, and duties of Darogahs relating to those departments,		XXIX.	

Security

	Regulation.	Section.	Clause.
Security for the appearance of persons employed under commercial residents accused of bailable offences, how to be given, - - -	XX.	XXIX.	*First.*
In such cases the accused shall not be forced to appear till after the manufacturing season, - -			*Second.*
Rule for serving summonses on witnesses employed in the Company's Aurungs and form of their recognizance, - - - -			*Third.*
Warrants for offences not bailable shall be served upon persons so employed as upon others—the Darogah giving notice to the resident or Agent, -			*Fourth.*
Darogahs shall assist in the seizure of illicit Salt, -			*Fifth.*
Shall give notice of all illicit importation, adulteration or manufacture of Salt. - - -			*Sixth.*
They shall not seize, in the first instance, of their own authority, - - - - -			*Seventh.*
Penalty for the unwarranted seizure of Salt by Darogahs, - - - - - -			*Eighth.*
Darogahs enjoined to suppress the illicit cultivation of opium, - - - - - - -			*Ninth.*
Shall report cases of cultivation of the poppy, -			*Tenth.*
And take security for the offender's appearance before revenue Officers, - - - -			*Eleventh*
Penalty for omitting to send information, - -			*Twelfth.*
Miscellaneous rules regarding Forts, armed men, Military stores, dress of Sepoys, or Lascars, and badges, public roads and insane persons, -		XXX.	
Darogahs shall report all circumstances that may involve danger to the public peace, - -			*First.*
They shall apprehend all unauthorized persons dressed in the uniform of Company's Sepoys, -			*Second.*
What persons may wear the Company's uniform, when not employed on public duty, - -			*Third.*
Persons not in the service of a Civil or Military Officer, shall be apprehended, when wearing a badge or chuprass, - - - -			*Fourth.*
Darogahs shall report encroachments on the public roads, - - - - -			*Fifth.*
Persons dangerously insane shall be sent to the sudder station, unless the friends of the party enter into engagements to prevent their doing mischief,			*Sixth.*
Judges of Circuit and Europeans, - - -		XXXI.	
Respect to be shewn to Judges of Circuit in their progress, - - - - - - - -			*First.*
Darogah shall report the arrival and proposed resi-			

dence

	Regulation.	Section.	Clause.
dence of any European not in his Majesty's or the Company's Service,	XX.	XXXI.	*Second.*
Form of statement to be presented by Darogahs to European residents at the close of each English year,			*Third.*
These statements to be forwarded to Magistrate,			*Fourth*
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OF THE

REGULATIONS

PASSED IN THE YEAR 1818.

REGULATION I.

A REGULATION for establishing the office of Canoongoe in the districts of the 24 Pergunnahs, Nuddea, Jessore, Dacca Jelalpore and Backergunge, and for extending to the said districts the operation of Regulation XII. 1817.—Passed on the 17th March, 1818.

REGULATION II.

A REGULATION for annexing to the zillah of Bundlecund the Elakeh of Khundeh, appertaining to the Pergunnah of Mahoba, together with certain villages belonging to the Pergunnah of Choorkee, on the right bank of the Jumna, formerly composing a part of the territories of Nana Govind Row.—Passed on the 31st of March, 1818.

REGULATION III.

A REGULATION for the confinement of state prisoners—Passed on the 7th April, 1818.

REGULATION IV.

A REGULATION for re-establishing the Dewanny Adawlut of the northern division of Seharunpore.—Passed on the 14th April, 1818.

REGULATION V.

A REGULATION for the appointment of a Commissioner, to be vested

vested with special powers in the administration of civil affairs in zillah Cuttack.—Passed on the 28th April, 1818.

REGULATION VI.

A REGULATION for providing against the protracted confinement of persons charged with criminal offences, during the examination of such charges before the Magistrates; and for defining the powers of the Courts of Circuit, at the sudder stations of those Courts, with respect to persons committed or held to bail by the Magistrates, for trial at the periodical Sessions of jail delivery. —Passed on the 12th May, 1818.

REGULATION VII.

A REGULATION for rescinding such parts of the existing Regulations as relate to the conduct of the trade of foreign nations to the ports and settlements of the British nation in the East Indies, and for better giving effect to a Regulation in that behalf, enacted by the Honorable the Court of Directors of the United Company of Merchants of England trading to the East Indies.—Passed on the 28th August, 1818.

REGULATION VIII.

A REGULATION for rescinding part of Clause 6, Section II. Regulation LIII. 1803, *for modifying some of the existing rules relating to the requisition of security for good behaviour, and for providing for a revision of the cases of certain classes of prisoners, detained in confinement, on failure to furnish security for their good behaviour and appearance.—Passed on the 28th August,* 1818.

REGULATION IX.

A REGULATION for extending for a further period of five years the existing settlement in the Conquered Provinces, lying on the right and left banks of the river Jumna, with the exception of

the

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REGULATION X.

A REGULATION for ensuring the more punctual and regular collection of the public revenue from proprietors and farmers of land in the district of Cuttack, the Pergunnah of Puttaspore, and the several Pergunnahs dependent on it.—Passed on the 9th October, 1818.

REGULATION XI.

A REGULATION for modifying certain parts of Regulation XIII. 1816.—*Passed on the 6th November,* 1818.

REGULATION XII.

A REGULATION for extending the powers of the Magistrates and Joint Magistrates, in the trial of persons charged with breaking into houses and other places of habitation, or into ware-houses or other places used for the custody of property, with an intent to steal; or charged with theft; or with buying or receiving stolen property, knowing the same to have been stolen, or charged with escape from Jail or other place of confinement.—Passed on the 6th November, 1818.

REGULATION XIII.

A REGULATION for extending for a further period of three years the existing settlement of Cuttack, Pergunnah Puttaspore, and its dependencies, in all cases in which the settlement may have been concluded with zemindars or actual proprietors of the land.—Passed on the 20th November, 1818.

REGULATION

REGULATION XIV.

A REGULATION for altering the standard of the Calcutta Sicca Rupee and Gold Mohur, and for further modifying some of the rules in force respecting these coins.—Passed on the 24th December, 1818.

A. D. 1818. REGULATION I.

A REGULATION *for establishing the office of Canoongoe in the districts of the 24 Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge, and for extending to the said districts the operation of Regulation* XII, 1817. — PASSED *by the Vice-President in Council on the 17th March* 1818, *corresponding with the 5th Cheyte* 1224 *Bengal era; the 24th Phagoon* 1225 *Fusly; the 6th Cheyte* 1225 *Willaity; the 10th Phagoon* 1874 *Sumbut, and the 9th Jumadee ul awul* 1233 *Higeree.*

Preamble

WHEREAS it has appeared expedient to establish the office of canoongoe in the districts of the 24 Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge, and to extend to the said districts the operation of Regulation XII, 1817, the following Rules have been enacted, to be in force from the date of their promulgation throughout the aforesaid districts.

Canoongoes to be appointed in the 24 Pergunnahs, Nuddea, Jessore, Dacca Je-

II. Canoongoes shall be appointed in the districts of the 24 Pergunnahs, Nuddea, Jessore, Dacca Jelalpore, and Backergunge,

lalpore and Backergunge.

ergunge, by the collectors of those districts respectively, in the same manner, and for the performance of the same duties as are prescribed in Regulation V, 1816, in regard to the district of Cuttack, the Pergunnah of Puttaspore and its dependencies; and all the rules contained in the Regulation aforesaid, are hereby extended to the districts above-mentioned.

The Provisions of Regulation XII, 1817 extended to the above-mentioned districts.

III. The provisions of Regulation XII, 1817, are hereby extended to the districts of the 24 Pergunnahs, Nuddeah, Jessore, Dacca Jelalpore and Backergunge.

A. D. 1818. REGULATION II.

A REGULATION *for annexing to the zillah of Bundlecund the Elakah of Khundeh, appertaining to the Pergunnah of Mahoba, together with certain villages belonging to the Pergunnah of Choorkee on the right bank of the Jumna, formerly composing a part of the Territories of Nana Govind Row:*—PASSED *by the Vice-President in Council on the* 31*st of March* 1818; *corresponding with the* 19*th Cheyte* 1224 *Bengal era; the* 9*th Cheyte* 1225 *Fusly; the* 20*th Cheyte* 1225 *Willaity; the* 10*th Cheyte* 1875 *Sumbut; and the* 23*d Jumadee-ul-awul* 1233 *Higeree.*

Preamble.

WHEREAS the elakeh of Khundeh, appertaining to the pergunnah of Mahoba, together with certain villages belonging to the Pergunnah of Choorkee on the right bank of the Jumna, have been ceded to the Honorable the East India Company by Nana Govind Row; and whereas it has been judged advisable

advisable to annex the elakeh and villages in question to the district of Bundlecund, the following rules have been enacted, to be in force from the period of their promulgation.

The elakeh of Khundeh, and certain villages ceded by Nana Govind Row, annexed to Bundlecund, and the laws and regulations extended to them;

II. The elakeh of Khundeh, appertaining to the pergunnah of Mahóba, together with certain villages belonging to the pergunnah of Choorkee, on the right bank of the Jumna, are hereby annexed to the district of Bundlecund, and the laws and regulations established for the internal administration of that district, are declared to be in full force and effect in the elakeh and villages in question,—subject, however, to the provisions contained in the following Sections.

Subject to the following provisions.

Civil courts prohibited from commencing the exercise of their jurisdiction until the first settlement of the revenue shall have been sanctioned by Government.

III. *First.* The courts of civil judicature are hereby prohibited from commencing the exercise of their jurisdiction, until they shall be officially apprised by Government, that the first settlement of the revenue of the said elakeh and villages has been completed and duly sanctioned.

Civil courts not competent to take cognizance of suits, if the cause of action shall have originated previously to the 1st November, 1805.

Second. The courts of civil judicature shall not be deemed competent to take cognizance of civil claims in the elakeh and villages in question, the cause of action in which may have originated previously to the 1st of November 1805, being a period of twelve years antecedent to the cession of the elakeh and villages in question.

Criminal courts prohibited from taking cognizance of offences committed previously to the 1st November, 1817.

IV. *First.* The courts of criminal judicature are hereby prohibited from taking cognizance of any crime or offence which may have been committed in any part of the said elakeh and villages, previously to the 1st of November, 1817, being the date of the treaty between the British Government and Nana Govind Row, under which the elakeh of Khundeh and villages in question were ceded to the Honorable the East India Company.

Second.

Second. No part of the regulations in force, by which the punishment of any offence may be enhanced beyond the punishment prescribed for such offence, according to the existing laws and usages of the said elakeh and villages, shall be considered applicable to any crime or offence committed within the said elakeh and villages, between the 1st of November 1817, and the period of the promulgation of this Regulation.

Such of the regulations in force as increase the punishment prescribed by the existing laws and usages of the elakeh and villages in question, declared inapplicable to offences committed in them between the 1st of November 1817 and the promulgation of this Regulation.

Third. In cases however in which the penalties established by the existing Regulations may appear to be more lenient than those to which the offenders would have been subject, under the pre-existing laws and usages of the said elakeh and villages, such offenders shall nevertheless have the benefit of the provisions now established, supposing the offences to have been committed between the 1st of November, 1817, and the period of the promulgation of this Regulation.

Benefit extended to offenders in cases in which the penalties of the Regulations may appear to be more lenient than those which were in force under the former laws and usages.

V. *First.* The Government reserves to itself the power of fixing the periods, for which the settlement of the land revenue shall, from time to time, be formed in the said elakeh and villages, according as local circumstances may appear to require, adhering however, as nearly as practicable, to the principles established for the settlement generally of the lands in the territories ordinarily denominated the ceded and conquered provinces.

Power reserved to the Government for fixing the periods for the formation of the settlement of the land revenue.

Second. Provided also that such part of the Regulations in force within the district of Bundlecund, as relates to the collection of sayer, rahdaree, and other duties of a similar nature, or to the form of engagements to be executed by or between zemindars, farmers and ryots or other proprietors, occupants or cultivators of land, shall take effect within the said elakeh of Khundeh and villages aforesaid from the commencement of the ensuing Fusly year.

The Regulations relative to the collection of sayer or other duties, or to the form of engagements executed between the zemindars, farmers, and ryots in the elakeh of Khundeh, when to take effect.

VI.

Duty of the revenue officers in ascertaining the rights and privileges of the several proprietors in the elakeh of Khundeh.

VI. There being grounds to believe that many of the estates, composing the abovementioned tract of country, are held by numerous proprietors in joint tenancy, it shall be the particular duty of the revenue authorities administering the affairs of the said elakeh and villages, to adopt such measures as may appear best calculated for ascertaining, recording and securing the customary rights, privileges and interests of the several classes of proprietors and occupants of land, and especially of all putteedars or other parceners in joint undivided estates.

A. D. 1818. REGULATION III.

A REGULATION *for the confinement of State Prisoners:*—PASSED *by the Vice-President in Council on the 7th April* 1818, *corresponding with the 26th Cheyte* 1224 *Bengal era; the 16th Cheyte* 1225 *Fusly; the 27th Cheyte* 1225 *Willaity; the 2d Cheyte* 1875 *Sumbut; and the 30th Jumadee-ul-awul* 1233 *Hegeree.*

Preamble.

WHEREAS reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign powers, the preservation of tranquillity in the territories of Native Princes, entitled to its protection, and the security of the British dominions from foreign hostility, and from internal commotion, occasionally render it necessary to place under personal restraint, individuals against whom there may not be sufficient ground to institute any judicial proceeding, or when such proceeding may not be adapted to the nature of the case, or may for other reasons be unadvisable or improper; and whereas

it

it is fit that, in every case of the nature herein referred to, the determination to be taken, should proceed immediately from the authority of the Governor General in Council; and whereas the ends of justice require that, when it may be determined that any person shall be placed under personal restraint, otherwise than in pursuance of some judicial proceeding, the grounds of such determination should from time to time come under revision, and the person affected thereby should at all times be allowed freely to bring to the notice of the Governor General in Council, all circumstances relating either to the supposed grounds of such determination, or to the manner in which it may be executed; and whereas the ends of justice also require that, due attention be paid to the health of every State Prisoner confined under this Regulation, and that suitable provision be made for his support according to his rank in life, and to his own wants and those of his family; and whereas the reasons above declared some times render it necessary that the estates and lands of zemindars, talookdars and others situated within the territories dependant on the Presidency of Fort William, should be attached and placed under the temporary management of the revenue authorities, without having recourse to any judicial proceeding; and whereas it is desirable to make such legal provisions as may secure from injury, the just rights and interests of individuals, whose estates may be so attached under the direct authority of Government; the Vice-President in Council has enacted the following rules, which are to take effect throughout the Provinces immediately subject to the Presidency of Fort William from the date on which they may be promulgated.

Mode of proceeding for placing individuals under restraint as State Prisoners.

II. *First.* When the reasons stated in the preamble of this Regulation may seem to the Governor General in Council to require, that an individual should be placed under personal restraint, without any immediate view to ulterior proceedings of a judicial

judicial nature, a warrant of commitment under the authority of the Governor General in Council, and under the hand of the Chief Secretary, or of one of the Secretaries to Government, shall be issued to the officer in whose custody such person is to be placed.

Second. The warrant of commitment shall be in the following form: Form of warrant to be issued.

To the *(here insert the officer's designation)*

Whereas the Governor General in Council, for good and sufficient reasons, has seen fit to determine that *(here insert the State Prisoner's name)* shall be placed under personal restraint at *(here insert the name of the place)* you are hereby required and commanded, in pursuance of that determination, to receive the person above named into your custody, and to deal with him in conformity to the orders of the Governor General in Council, and the provisions of Regulation III. of 1818.

Fort William, the

By order of the Governor General in Council,

A. B.

Chief Sec. to Govt.

Third. The warrant of commitment shall be sufficient authority for the detention of any State Prisoner in any fortress, jail or other place, within the territories subject to the presidency of Fort William. Such warrant to be sufficient authority for the detention of any State Prisoner.

III. Every officer in whose custody any State Prisoner may be Officers in whose custody, State Prisoners may be placed,

to submit to Government periodical reports.

be placed, shall on the 1st of January and 1st of July of each year, submit a report to the Governor General in Council, through the Secretary to Government in the Political Department, on the conduct, the health and the comfort of such State Prisoner, in order that the Governor General in Council may determine whether the orders for his detention shall continue in force or shall be modified.

State Prisoners in the custody of the Zillah or City Magistrate, to be visited by the Judge of Circuit at the Sessions.

IV. *First.* When any State Prisoner is in the custody of a Zillah or City Magistrate, the Judges of Circuit are to visit such State Prisoner, on the occasion of the periodical sessions, and they are to issue any orders concerning the treatment of the State Prisoner, which may appear to them advisable, provided they be not inconsistent with the orders of the Governor General in Council, issued on that head.

State Prisoners in custody of a public officer not being a Zillah or City Magistrate, to be visited by such person as may be nominated by Government for the duty.

Second. When any State Prisoner is placed in the custody of any public officer not being a Zillah or City Magistrate, the Governor General in Council will instruct either the Zillah or City Magistrate, or the Judge of Circuit, or any other public officer, not being the person in whose custody the prisoner may be placed, to visit such prisoner at stated periods, and to submit a report to Government, regarding the health and treatment of such prisoner.

Representations which may be made by State Prisoners, to be submitted to Government.

V. The officer, in whose custody any State Prisoner may be placed, is to forward, with such observations as may appear necessary, every representation which such State Prisoner may from time to time be desirous of submitting to the Governor General in Council.

Early report to be made to Government, regarding the nature of the confinement, the health and the allowances granted to State Prisoners.

VI. Every officer in whose custody any State Prisoner may be placed, shall, as soon after taking such prisoner into his custody

tody as may be practicable, report to the Governor General in Council, whether the degree of confinement to which he may be subjected, appears liable to injure his health, and whether the allowance fixed for his support, be adequate to the supply of his own wants and those of his family, according to their rank in life.

The allowance fixed for the support of a State Prisoner, to be duly appropriated to that object.

VII. Every officer in whose custody any State Prisoner may be placed, shall take care that the allowance fixed for the support of such State Prisoner, is duly appropriated to that object.

The provisions contained in Section III. to VII. of the present Regulation, applicable to all persons who are now confined as State Prisoners.

VIII. The provisions contained in Sections III, IV, V, VI, and VII, of this Regulation, are hereby declared to be applicable to all persons who are now confined as State Prisoners under the authority of Government, within the territories subject to the presidency of Fort William.

Rules for the attachment of estates or lands by the orders of Government without a previous decision of a Court of Justice.

IX. Whenever the Governor General in Council, for the reasons declared in the preamble to this Regulation, shall judge it necessary to attach the estates or lands of any zemindar, jageerdar, talookdar or other person, without any previous decision of a Court of Justice, or other judicial proceeding, the grounds on which the resolution of Government may have been adopted, and such other information connected with the case as may appear essential, shall be communicated, under the hand of one of the Secretaries to Government, to the Judge and Magistrate f the district, in which the lands or estates may be situated, to the Provincial Court of Appeal and Circuit, and to the Sudder Dewanny Adawlut and Nizamut Adawlut.

Lands or estates so attached, to be placed under the management of the Officers of Government in the Revenue Department;

X. *First.* The lands or estates which may be so temporarily attached, shall be held under the management of the Officers of Government in the Revenue Department, and the collections shall be made and adjusted on the same principles as those of other estates held under khas management.

Second.

And not liable to be sold on account of decrees of the Civil Courts or otherwise, while under attachment.

Second. Such lands or estates shall not be liable to be sold in execution of decrees of the Civil Courts, or for the realization of fines or otherwise, during the period in which they may be so held under attachment.

The Government will make such arrangement as may be proper, for the satisfaction of the decrees of the Civil Courts in such instances.

Third. In the cases mentioned in the preceding clause, the Government will make such arrangement as may be fair and equitable for the satisfaction of the decrees of the Civil Courts.

Rules to be observed in cases where Government may order the release of an estate from attachment.

XI. Whenever the Governor General in Council shall be of opinion that the circumstances which rendered the attachment of such estate necessary, have ceased to operate, and that the management of the estate can be committed to the hands of the proprietor without public hazard or inconvenience, the Revenue authorities will be directed to release the estate from attachment, to adjust the accounts of the collections, during the period in which they may have been superintended by the Officers of Government, and to pay over to the proprietor the profits from the estate, which may have accumulated during the attachment.

A. D. 1818. REGULATION IV.

A REGULATION *for re-establishing the Dewanny Adawlut of the Northern Division of Seharunpore:—* PASSED *by the Vice-President in Council on the* 14*th April* 1818, *corresponding with the* 3*d Bysack* 1225 *Bengal era; the* 23*d Cheyte* 1225 *Fusly; the* 4*th Bysack* 1225 *Willaity; the* 8*th Cheyte* 1875 *Sumbut; and the* 7*th Jumadee-us-Sanee* 1233 *Higeree.*

Preamble.

WHEREAS the jurisdiction of the Dewanny Adawlut of the Northern division of Seharunpore was abolished by Regulation XIV, 1806, and was incorporated with the jurisdiction of the Dewanny Adawlut of the Southern division of Seharunpore; And Whereas the annexation of the Deyra Doon to the Northern division, and the recent transfer of a portion of the district of Allyghur to the Southern division of Seharunpore, have augmented the local limits and the population of both those divisions, to an extent which interferes with the due

due administration of civil justice, and imposes on the inhabitants considerable hardships and difficulties; the Vice-President in Council, with a view to secure the due administration of civil justice, and to promote the convenience and prosperity of the inhabitants, has passed the following rules, to be in force from and after the 30th of June next ensuing, corresponding with the 17th Assaur 1225 Bengal era; the 12th Assaur 1225 Fusly; the 18th Assaur 1225 Willaity; the 12th Assaur 1875 Sumbut, and the 25th Shabaun 1233 Higeree.

The Northern Division of Seharunpore, constituted a separate Civil as well as Criminal jurisdiction.

II. *First.* From and after the 30th of June 1818, the Northern division of Seharunpore shall constitute a separate civil as well as criminal jurisdiction, and the judge and magistrate of that division shall exercise the same powers as those vested by the Regulations in the judges and magistrates of other zillahs in the ceded and conquered provinces.

The Northern and Southern Divisions of Seharunpore how to be denominated.

Second. The Northern division of Seharunpore shall henceforward be denominated the zillah of Seharunpore, and the Southern division shall be denominated the zillah of Meerut.

Powers reserved to the Governor General in Council to determine the local limits of the zillah of Seharunpore.

Third. It shall be competent to the Governor General in Council, by an order in Council, to determine the local limits of the zillah of Seharunpore, and to make such alterations in those limits as he may from time to time judge expedient.

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A. D. 1818. REGULATION V.

A REGULATION *for the appointment of a Commissioner, to be vested with special powers in the administration of Civil affairs in Zillah Cuttack:*—PASSED *by the Vice-President in Council on the* 28*th April* 1818; *corresponding with the* 17*th Bysack* 1225 *Bengal era; the* 8*th Bysack* 1225 *Fusly; the* 18*th Bysack* 1225 *Willaity; the* 8*th Bysack* 1875 *Sumbut, and the* 21*st Jumadee-us-Sanee* 1233 *Higeree.*

Preamble.

WHEREAS considerations connected with the present state of the district of Cuttack, and with the nature of the disturbances which recently prevailed in various parts of that district, have rendered it expedient that a Commissioner should be deputed for the temporary superintendence of the Civil affairs of the said district; and whereas it is necessary, with a view to the prompt and effectual execution of the important duties assigned to the Commissioner, that he should be vested with special powers as well in the administration of Civil and Criminal Justice, as

in

in the superintendence of other local duties hitherto conducted by the Boards of Revenue and Trade; the Vice-President in Council has been pleased to enact the following rules, to be in force within the local limits of the district of Cuttack, from the date on which the Commissioner may assume the charge of his office.

The powers hitherto exercised in Cuttack by the Boards of Revenue and Trade, the Provincial Court of Calcutta, and the Local Committee for superintending the Embankments, are hereby suspended.

II. The provisions of the existing Regulations, by which the Board of Revenue, the Board of Trade, the Provincial Court of Appeal and Circuit for the Division of Calcutta, and the Local Committee for superintending the Embankments, are respectively authorized or directed to exercise any powers or functions, or to discharge any duties in the administration of the Civil affairs of the district of Cuttack, are hereby suspended.

A Commissioner to be deputed to Cuttack, with special powers.

III. A Commissioner shall be deputed to the district of Cuttack, who shall be authorized, from the date on which he may assume the charge of his office, to exercise and discharge the whole of the powers and duties heretofore exercised and discharged with regard to the affairs of that district, under the Regulations in force by the Board of Revenue, by the Board of Trade, by the Judges of the Provincial Court of Appeal for the Division of Calcutta, either individually or collectively, and by the Judges of the Court of Circuit for the Division of Calcutta, either individually or collectively, and by the Local Committee of Embankments.

The Judge of Circuit now holding the Jail delivery at Cuttack, to complete the duties of the present Sessions.

The Commissioner in Cuttack, to hold the future Sessions of Jail delivery of that District.

IV. The foregoing provisions shall not operate to prevent the Judge of Circuit, who is now holding the Sessions of Jail delivery of the Zillah of Cuttack, from completing that duty under the Regulations heretofore in force; but from and after the completion of the present Sessions, the Sessions of Jail delivery of the Zillah of Cuttack shall be held from time to time by the Commissioner, at such periods as he may judge most expedient for the public service.

V. *First.*

V. *First.* The records of Civil suits of every description, originating in the district of Cuttack, which may be depending before the Provincial Court for the Division of Calcutta, whether in appeal from the decision of the Zillah Court of Cuttack, or instituted in the first instance in the Provincial Court, shall be transferred to the Commissioner; and such cases, as well as all other Civil cases coming under his cognizance, shall be investigated and decided by him, at any place or places situated within the limits of the district of Cuttack, under the same powers as are vested in the Judges of the Provincial Court, either individually or collectively.

Civil suits depending in the Provincial Court of Calcutta to be transferred to the Commissioner.

Civil suits may be tried by the Commissioner, at any place within the limits of Cuttack.

Second. The pleadings and the management of suits which may be brought under the cognizance of the Commissioner in Cuttack, shall be conducted, either by the parties themselves, or by Agents duly authorized by them for that purpose; and it shall not be requisite that any regular pleaders should be attached to the Court of the Commissioner, or that any duties in the Court of the Commissioner should be performed by such pleaders.

The pleadings and management of suits before the Commissioner, are not required to be conducted by regular pleaders.

Third. The Commissioner in Cuttack, shall be empowered to dispense with the rules contained in Sections III, IV, V, VI, and VII, Regulation XXVIII, 1814, in all instances in which he may judge it expedient to permit persons to sue, either in his own Court, or in the Zillah Court of Cuttack, as paupers, without requiring such persons to fulfil the conditions specified in those Sections.

The Commissioner empowered to dispense with the rules contained in Sections III, IV, V, VI, and VII, Regulation XXVIII, 1814.

Fourth. The Commissioner in Cuttack, and the Judge and Magistrate of that district, shall also be respectively empowered to dispense with the rule contained in Section XIX, Regulation XXVIII, 1814, in all instances in which they may judge it expedient.

The Commissioner and the Judge and Magistrate empowered to dispense with the rule contained in Section XIX, Regulation XXVIII, 1814.

Fifth.

Orders and decisions passed by the Commissioner in Civil suits, to be final.

Fifth. The orders and decisions passed by the Commissioner, in original Civil suits, or in appeals cognizable by him, whether regular or summary, shall be to all intents and purposes final and conclusive—Provided however, that an appeal shall lie to the Sudder Dewanny Adawlut, from the decisions of the Commissioner on Civil suits, which from their amount or value may be appealable to the King in Council, under the provisions of the existing Regulations.

Proviso with regard to cases appealable to the King in Council.

The powers of the Court of Nizamut Adawlut with regard to the administration of Criminal Justice in Cuttack, to continue in force.

VI. Nothing contained in this Regulation, shall be construed to affect or alter the powers vested in the Court of Nizamut Adawlut, with regard to the administration of Criminal Justice in the district of Cuttack; and the Commissioner in Cuttack will stand in the same relation to the Court of Nizamut Adawlut, as the Judges of the Provincial Court of Circuit for the division of Calcutta have hitherto stood, either in their individual or in their collective capacity.

Regulation XXII 1817, rescinded. The Commissioner to confirm the appointment and removal of Native officers on the establishment of the Judge and Magistrate of Cuttack.

VII. The provisions of Regulation XXII, 1817, are hereby rescinded, and the Commissioner in Cuttack shall exercise the same powers in confirming the appointment and removal of the Native officers of the Judge and Magistrate of Cuttack, as are exercised by the Provincial Courts of Appeal and Circuit, with regard to the appointment and removal of the Native Officers on the establishment of the Zillah Judges and Magistrates generally.

The Judge and register may investigate summary suits regarding rent or dispossession from lands in any part of Cuttack.

The Registers and assistants to the Judge and Magistrate may be employed on local duties in the Territorial Department.

VIII. The Judge and Register of Zillah Cuttack are hereby empowered to hold their Court for the investigation of summary suits regarding rent or dispossession from lands, in any part of the district of Cuttack; and it shall be competent to the Commissioner, with the sanction of the Governor General in Council, to employ the Registers or the assistants to the Judge and Magistrate of Cuttack, on local duties in the Territorial Department, when such employment shall appear calculated to promote the public service.

A. D. 1818. REGULATION VII.

A REGULATION *for rescinding such parts of the existing Regulations as relate to the conduct of the trade of foreign nations to the Ports and Settlements of the British Nation in the East Indies, and for better giving effect to a Regulation in that behalf, enacted by the Honorable the Court of Directors of the United Company of Merchants of England trading to the East Indies:—* PASSED *by the Governor General in Council on the 28th August* 1818, *corresponding with the* 13*th Bhadoon* 1225 *Bengal era; the* 12*th Bhadoon* 1225 *Fusly; the* 14*th Bhadoon* 1225 *Willaity; the* 12*th Bhadoon* 1875 *Sumbut; and the* 25*th Sowaul* 1233 *Hijeree.*

Preamble.

WHEREAS the Honorable the Court of Directors of the United Company of Merchants of England trading to the East Indies, have been pleased to pass the Regulation herein after recited for the conduct of the trade of foreign nations, to the ports and settlements of the British Nation in the

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East Indies—the following rules have been framed into a Regulation, to be in force from the date of their promulgation.

Certain provisions of former Regulations relative to the conduct of the trade of foreign nations, to the ports and settlements of the British Nation in the East Indies, rescinded; And the following Regulation enacted in lieu of them.

II. Sections II. & III. Regulation III. 1811, Regulation VI. 1812, and Regulation XX. 1816, are hereby rescinded, and the several provisions of the following Regulation, passed by the Honorable the Court of Directors of the United Company of Merchants of England trading to the East Indies, shall be hereafter observed within the Territories immediately dependent on the Presidency of Fort William.

Title.

" Regulation for carrying on the trade between the British " possessions in India, and the Countries and States, in amity " with His Majesty; passed by the Court of Directors of the Uni- " ted Company of Merchants of England trading to the East In- " dies, this 31st day of December, 1817."

Preamble.

" Whereas by an Act passed in the 37th year of the Reign of " His present Majesty, entitled, '*An Act for regulating the trade to* " *be carried on with the British possessions in India, by the Ships of* " *Nations in amity with His Majesty*', it was enacted, that from and " after the passing of that Act, and during the continuance of " the exclusive trade of the United Company of Merchants of " England trading to the East Indies, and during the term for " which the possessions of the British Territories in India is " secured to the said United Company, it should be lawful for the " Ships and Vessels of Countries and States, in amity with His " Majesty, to import into, and export from the British possessions " in India, such goods and commodities, as they should be per- " mitted to import into, and export from the said possessions, " by the Directors of the said Company, who were thereby direct- " ed to frame such Regulations for carrying on the trade, " to and from the said possessions, and the Countries

and

" and States in amity with His Majesty, as should seem
" to them most conducive to the interest and prosperity
" of the said British possessions in India, and of the British Em-
" pire, and that no ship or vessel belonging to any of the sub-
" jects of states or countries in amity with His Majesty, should
" be liable to seizure, confiscation, or forfeiture, or other penalty
" for exporting from or importing into the said British possessi-
" ons in India, any goods or commodities, the importation or
" exportation of which should respectively be permitted by the
" said Regulation,—any thing in a certain Act of the Twelfth
" year of the Reign of King Charles the Second, therein recited
" to the contrary notwithstanding—provided always that it should
" not be lawful for the Directors of the said United Company to
" frame any Regulations for the conduct of the said Trade,
" which should be inconsistent with any treaty or treaties which
" should have been or might be entered into by His Majesty, his
" Heirs and Successors, and any country or state at amity with
" His Majesty, or which might be inconsistent with any Act or
" Acts of Parliament which had been passed for the Regulati-
" on of the Trade and Commerce of the said British territories
" in India: and whereas by another Act passed in the 53d year of
" the Reign of His present Majesty, entitled, " *An Act for con-*
" *tinuing in the East India Company for a further term, the pos-*
" *session of the British territories in India, together with certain*
" *exclusive privileges for establishing further Regulations for the*
" *Government of the said territories and the better administration*
" *of justice within the same;—and for regulating the Trade to and*
" *from the places within the limits of the said Company's Charter,*"
" all the enactments, provisions, matters and things contained
" in any Act or Acts whatsoever, which were limited or might
" be construed to be limited, to continue for and during the
" term granted to the said Company, by a certain Act of Parlia-
" ment of Great Britain of the 33d year of His present Majesty,
" therein recited, so far as the same or any of them were in force

" and

" and not repealed by or repugnant to, the said Act of the 53d " year of his said present Majesty, should continue and be in " force during the further term thereby granted to the said " Company, subject to such alterations therein as might be made " by any of the enactments, provisions, matters, and things in " that Act contained."

" The Court of Directors of the United Company of Mer- " chants of England trading to the East Indies, in virtue of the " powers granted to them by the aforesaid Acts, have framed " the following Regulation, for carrying on the trade to and from " the British possessions in India, and the Countries and States " in amity with His Majesty."

Ships belonging to a foreign European Nation having a Settlement of its own in the East Indies, and being in amity with His Majesty, may enter freely and trade in imports and exports in the East Indies.

1st. " Foreign European ships belonging to any Nation " having a Settlement of its own in the East Indies, and " being in amity with His Majesty, may freely enter the " British Sea-ports and harbours in that country, whether they " come directly from their own country or from any of the ports " and places in the East Indies, they shall be hospitably receiv- " ed and shall have liberty to trade there in imports and exports, " conformably to the Regulations established in such places, " provided that it shall not be lawful for the said Ships in time " of war between the British Government and any State or " Power whatever, to export from the said British Territories, " without the special permission of the British Government, any " Military stores or Naval stores, saltpetre or grain. The said " ships may also be cleared out for any port or place in the East " Indies; but if cleared out for Europe, shall be cleared out di- " rect for the country in Europe, to which such ships respective- " ly belong."

Proviso with regard to certain articles of export in time of war.

Rules with regard to ships belonging to foreign European

II. *First.* " Foreign European ships belonging to countries " having no establishment in the East Indies, may (when those " Countries

" Countries and States respectively are in amity with his Majes-
" ty) freely enter the ports of the principal British Settlements
" in the East Indies: viz. Calcutta, Madras, Bombay, and Prince
" of Wales' Island only. They shall be hospitably received
" there and have free liberty to trade in imports and exports
" conformably to the Regulations of the place, provided that it
" shall not be lawful for the said ships in time of war between the
" British Government and any State or Power whatever, to ex-
" port from the said British Territories, without the special per-
" mission of the British Government, any Military stores or Na-
" val stores, Saltpetre or grain, and provided also, that the said
" ships proceed from their own ports direct to the said princi-
" pal British Settlements, without touching at any port or place
" whatever in the voyage out, except from necessity and merely
" to procure refreshments or repairs, in case of distress or acci-
" dents, in the course of such voyage, the burthen of the proof of
" which necessity to rest on the parties."

Nations, having no establishment in India.

Proviso.

Second. " The vessels of the said European Powers last
" aforesaid, shall not carry any of the articles exported by them
" from the said British Territories to any port or place, except to
" some port or place in their own Countries respectively, where
" the same shall be unladen. The said ships shall not be clear-
" ed out to carry on the coasting or country trade in India; but
" vessels going with their original cargoes or part thereof, from
" one principal British port of discharge, to another principal
" British port, are not to be considered as carrying on the coast-
" ing trade."

Such ships not to export any articles, from the British Territories to any other port or place, but to their own country.

Nor to be cleared out to carry on the coasting or country trade.

Third. " The said vessels shall not be allowed to proceed
" either with or without return cargo, from the said British Ter-
" ritories to the settlements or factories of any foreign Eu-
" ropean Nation in India, or to the Territory of any Asiatic Po-
" tentate or Power, except from the like necessity, as is before
" described,

Nor to proceed from the British Territories to any foreign Settlements in India, nor to the Territory of any Asiatic Power.

Nor to enter the river in that part of the British Territory situated in Bengal, for any other purpose than to proceed to Calcutta, for trade, refreshment or repairs.

"described, of which the proof shall rest with them. Nor shall "the said vessels be allowed to enter the river in that "part of the British Territory situated in Bengal, for "any other purpose than that of proceeding to the port of "Calcutta for trade, refreshment, or repairs."

The clearance of the vessels to be direct to the country to which they belong, and to no other.

Fourth. "In clearing out for their respective countries, the "clearance shall be a direct one to the country to which the "vessels belong, and to no other whatever."

The trade with America how to be regulated.

III. "The trade between the British possessions in India "and the United States of America, shall be regulated by the "Convention of Commerce, between Great Britain and the "United States of America, signed at London, the 3d "July, 1815."

The present rules not to affect the existing Regulations for defining the duties on foreign trade.

III. Nothing in this Regulation shall be construed to affect the provisions contained in the existing Regulations for defining the duties to which the trade of Foreign Nations is, and shall be subject at the ports and settlements of the British Nation in the East Indies.

A. D. 1818. REGULATION VIII.

A REGULATION *for rescinding part of Clause* 6, *Section II. Regulation LIII.* 1803 ; *for modifying some of the existing rules relating to the requisition of security for good behaviour* ; *and for providing for a revision of the cases of certain classes of Prisoners, detained in confinement, on failure to furnish security for their good behaviour and appearance* :—PASSED *by the Governor General in Council on the* 28*th of August* 1818 ; *corresponding with the* 13*th Bhadoon* 1225 *Bengal Era* ; *the* 12*th Bhadoon* 1225 *Fusly* ; *the* 14*th Bhadoon* 1225 *Willaity* ; *the* 12*th Bhadoon* 1875 *Sumbut* ; *and the* 25*th Sowaul* 1233 *Higeree.*

Preamble.

WHEREAS it has been deemed expedient to rescind part of the 6th Clause of Section II. Regulation LIII. 1803, to define, more exactly, the powers to be exercised in future, by the Magistrates and Criminal Courts, in requiring security for the

the good behaviour of persons of suspicious livelihood, or of notoriously bad or dangerous character, and to provide for a revision of the cases of certain classes of prisoners, detained in confinement under requisition of security, for their future good behaviour, the following rules have been passed, to take effect from the date of their promulgation, throughout the Provinces subject to the Presidency of Fort William.

Part of Clause Sixth, Section II Regulation LIII. 1803, rescinded.

II. *First.* Such part of Clause Sixth, Section II. Regulation LIII. 1803, as vests the Courts of Circuit with authority to require security for good behaviour from persons charged with, but not convicted of, a specific offence, on the grounds of strong suspicion of their having committed such offence, independently of any proof of notorious bad character, is hereby rescinded; and the Criminal Courts are prohibited from requiring security for good behaviour from such persons, in future.

The Courts of Circuit and the Nizamut Adawlut authorized to require security from prisoners tried by them, if proved to be of notoriously bad or dangerous character.

Second. The foregoing rule shall not be construed to prevent the Judges of the Courts of Circuit, or of the Nizamut Adawlut, from requiring security from prisoners, who may be acquitted, on the trial before those Courts, of the specific charge brought against them, provided such prisoners may, from the evidence on the proceedings appear to be of notoriously bad or dangerous character. In cases of this description, the Judges of the Courts of Circuit or of the Nizamut Adawlut will issue such orders as they may judge necessary, under the rules contained in Sections IX. and X. of this Regulation.

Nature of the order to be passed by the Criminal Courts on requiring security for good behaviour, from persons of notoriously bad character.

III. In every instance in which security for good behaviour may be hereafter required, whether by the Magistrates, the Courts of Circuit, or the Nizamut Adawlut, the amount of the security; the number of sureties (to be fixed at the discretion of the Magistrate or of the Court requiring the Security,) and the period of time for which the sureties

are

are to be responsible for the good conduct of the prisoner, shall be fixed and determined.

IV. The period of time during which such prisoners may be made liable to detention in custody, on failure to furnish the security required from them, shall hereafter be specifically fixed in every instance, except in those cases in which the prisoner may appear to be a notorious robber, of a character so dangerous as to render his release, without security, evidently unsafe and objectionable.

Period of time for the eventual detention of such prisoners, to be fixed.

Exception.

V. *First.* The magistrates are hereby empowered, at all times, to exercise their discretion in releasing, without reference to any other authority, prisoners confined under requisition of security for their good behaviour, whether by their own orders or by those of any other person discharging the functions of a magistrate; provided the magistrates shall, from whatever cause, be of opinion, that such prisoners can be released without hazard to the community.

Magistrates empowered to release such prisoners, although the security be not furnished, if the order of detention shall have been passed by persons exercising the functions of magistrate.

Second. In cases in which a magistrate may, for whatever reason, be of opinion that any prisoner confined under requisition of security, for good behaviour, by order of a Court of Circuit or of the Nizamut Adawlut, can be safely released without such security, the magistrate shall either bring the case before the Court of Circuit at the next ensuing Jail delivery, as prescribed in Section XI. Regulation LIII. 1803, or shall make an immediate report of the case, with his sentiments, for the orders of the Court, which may have required the prisoner to furnish security previously to his release.

But not to exercise that authority if the order shall have been passed by the Courts of Circuit or by the Nizamut Adawlut.

VI. *First.* No prisoner detained under requisition of security in the Zillah or City, in which he has been accustomed to reside,

Limitation with regard to the removal of prisoners, confined for security, from one district to another.

reside, or in which he may have been apprehended, shall be removed to the Jail of a different Zillah, unless the Nizamut Adawlut shall sanction the removal in compliance with the prisoner's own request, and with a view to enable him the more easily to furnish the security required.

Exceptions to the foregoing rule.

Second. The foregoing rule, however, shall not be construed to preclude the removal of such prisoners from one station to another, in cases in which a due regard to the health of the prisoners or to their safe custody, or other emergent circumstances, may, in the judgment of the Nizamut Adawlut, render that measure necessary or advisable.

On what conditions sureties may be discharged from their responsibility.

VII. It is hereby declared, that individuals who may become sureties for the good behaviour of prisoners, may, at all times, obtain a discharge from their future responsibility, by delivering up or causing to be delivered up, the persons for whom they may have become responsible, to the proper magistrate or police officer, and that they will not be made responsible for the amount of the security-bond, in cases in which they may give timely information to the magistrate, that the individuals for whom they may have become sureties, have taken to bad courses, and may use every exertion in their power, to the satisfaction of the magistrate, for the apprehension and surrender of such individuals.

The period of detention for security, in ordinary cases, decided by the magistrate, not to exceed one year.

VIII. *First.* Whenever the magistrates, under the authority vested in them, by the existing Regulations, may require security for the good behaviour of a prisoner, they shall (in all cases in which they may judge it safe to do so) provide in their order, for the release of the Prisoner, at the end of a definite period, not exceeding twelve months.

Second.

Second. It shall not be necessary for the Judge of Circuit, holding the sessions, to revise the proceedings of the magistrate in such cases, except on petitions presented by the prisoners, when the Judge of Circuit holding the sessions is directed and empowered to call for the proceedings and, on his own authority, to annul, modify or confirm the orders of the magistrate.

The Judge of Circuit holding the sessions, may examine the proceedings of the magistrate, in such cases, on petitions presented to him by the prisoners;

And may annul, modify or confirm the orders of the magistrate.

IX. *First.* In all other cases, in which the magistrate may be of opinion, from the evidence to general character adduced before him, that the prisoner is, by habit, a robber, burglar, or thief, or a vender or receiver of stolen property, knowing the same to have been stolen; of a character so desperate, dangerous or irreclaimable as to render his release, without security, at the expiration of the limited period of twelve months above specified, hazardous to the community, the magistrate shall record his opinion to that effect, with an order, specifying the amount of security which should, in his judgment, be required from the prisoner, as well as the number of sureties, and the period for which the sureties should be responsible for the prisoner's good behaviour.

Magistrates how to proceed in cases in which it may appear unsafe to release, without security, prisoners of highly dangerous character, at the expiration of the period above limited.

Second. If the prisoner shall not furnish the security so required, before the next sessions of the Court of Circuit, the whole of the proceedings shall be laid before the Judge of that Court, who after examining them and requiring any further evidence which he may judge necessary, shall be competent from his own authority, to pass orders on the case, either confirming, modifying, or annulling the orders of the magistrate, as he may judge proper and equitable.

If due security be not furnished by the prisoner, before the next sessions, the proceedings in the case to be laid before the Judge of Circuit.

Third. In all such cases, if the Judge of Circuit shall not think it safe to direct the immediate discharge of the prisoner, he shall fix a limited period for the provisional detention of the prisoner (in

Orders to be passed by the Court of Circuit, if it shall not appear safe to direct the immediate discharge of such prisoner.

(in the event of his not giving the security required from him,) which period shall never exceed three years, except in the cases specified in the following Section.

Orders to be passed by the Court of Circuit, if the prisoner shall appear to be a notorious gang robber.

X. *First.* In cases in which the Judge of Circuit shall, from the proceedings before him, consider the prisoner to be a notorious gang robber, (Dukyt) of dangerous character, whom it would be unsafe to set at liberty, without substantial security for his future good behaviour, and who, therefore, in default of giving such security, should be confined indefinitely, in pursuance of Section IX. Regulation VIII. 1808, he shall declare and order the same accordingly.

Further provisions for such cases.

Second. In these cases, however, the Judge of Circuit shall nevertheless fix the amount of the security to be required from the prisoner, and shall provide in his order, that, if the prisoner shall not be able to furnish the security required, within the period of three years from the date of such order, the prisoner in question shall be again brought up before the Judge of Circuit, who may hold the Sessions of Jail delivery immediately following the expiration of the period of three years above specified, whose duty it will be, after examining the proceedings and making any further inquiries he may judge necessary, to determine whether the prisoner shall then be released, or whether he shall be again remanded, either on the same terms as before, or on any modified terms, favourable to the prisoner.

Rules to encourage respectable individuals to become sureties for such prisoners.

Third. With a view to encourage respectable individuals to become sureties for prisoners of the description alluded to in the foregoing Clauses of this Section, the period for which the sureties are to be responsible for the good behaviour of the individuals, shall be, in all cases, limited to three years; subject however to the condition that the sureties, at the expiration of that period,

riod, shall be bound to deliver up the individuals to the magistrate.

Fourth. When individuals shall be surrendered by their sureties, under the foregoing rule, the magistrate shall ascertain whether the former surety is willing again to become responsible for the future good behaviour of the prisoner, for a further period not exceeding three years, and, in the event of the surety being willing to become again responsible for the conduct of the prisoner, the magistrate shall accept the security and release the prisoner on the same terms as before.

Rules to encourage respectable individuals to become sureties for such prisoners.

Fifth. If the former surety shall decline to become again responsible for the prisoner, and the prisoner shall be unable to furnish any other sufficient security, the magistrate shall detain him in custody until the ensuing Sessions, when the prisoner is again to be brought before the Judge of Circuit, for such further orders as he may consider it proper to pass in the case.

Ditto ditto.

XI. *First.* Although the cautious and discreet application of the powers vested in the Judicial Officers, under the foregoing provisions, will tend, in future, to reconcile effectually, the safety of the community, with a due regard to the rights of individuals, those rules will not operate to relieve the prisoners, now in confinement, under a requisition of security, unless a general revision of their cases be undertaken with reference to the same principles, and the following rules are accordingly enacted to provide for such revision.

A revision of the cases of prisoners now detained in confinement, for security, to be undertaken.

Second. It shall be competent to the Governor General in Council to nominate and appoint such individuals, (being officers of experience in the Judicial Department,) as he may, from time to time, judge proper, to select, for the special duty of revising the cases of prisoners in confinement, under

The Governor General in Council authorized to appoint individuals for the special duty of making such revision.

under requisition of security.

Such officers to proceed to the Sudder Stations of the several districts.

Third. It shall be the duty of those officers to proceed to the Sudder Stations of the several districts or cities in which the prisoners, whose cases they are respectively to revise, may be confined.

To what cases the revision in question is to extend.

Fourth. The revision in question shall extend, 1st, to the cases of all prisoners who may be now detained in confinement, under requisition of security, by orders of the Nizamut Adawlut and Courts of Circuit, merely on the ground of strong suspicion of their having committed a specific offence, without proof of their notorious bad character.

2ndly. To the cases of all prisoners ordered, by whatever authority, to be imprisoned for an indefinite period, until they find security.

To what cases the revision in question is to extend.

3rdly. To the cases of all prisoners ordered, by whatever authority, to be imprisoned for a definite period, on failure to furnish security for their good behaviour, provided the amount of the security, and the period for which the sureties are to be responsible, be not distinctly specified in the order, and provided that the unexpired period, during which the prisoners may be still liable to be detained, shall exceed three years.

The revision to be conducted with reference to the general principles prescribed by this Regulation.

XII. All prisoners whose cases may be included under the first of the foregoing heads, shall be discharged, unless it shall appear, from the proceedings, that the prisoner is a person, who, from the notoriety of his general bad character, ought not to be released without security: In these cases, as well as in the cases included under the second and third heads, the officer,—

making

making the revision, shall be guided by the general principles prescribed in this Regulation, and shall pass such orders as he may judge proper, in each case, under the rules contained in Sections IX. and X. of this Regulation.

The orders passed by the individuals appointed to make the revision not subject to appeal, or to the revision of other authorities.

XIII. The persons who may be nominated by Government, for the discharge of this special duty, are hereby vested with full authority to release prisoners confined for security, to diminish the amount of the security, to shorten the periods fixed for the discharge of the prisoners, and generally, to pass any orders favorable to such prisoners, which they may judge proper in the exercise of a sound and humane discretion, and their orders shall not be subject to appeal, or to the revision of any other authority, except in instances in which their orders may appear, to the Nizamut Adawlut, not to be warranted by the powers vested in them by this Regulation.

Unless the Nizamut Adawlut shall consider them to be unwarranted by this Regulation.

A report, shewing the result of the proceedings of the officers making the revision, to be submitted, through the Nizamut Adawlut, for the information of Government.

XIV. The officers who may be nominated, by Government, for the discharge of the special duty above adverted to, shall submit a report, shewing the result of their proceedings in each district, through the Nizamut Adawlut, for the information of Government, accompanied by such forms and statements as may be prescribed by the Nizamut Adawlut.

A. D. 1818. REGULATION IX.

A REGULATION for extending for a further period of five years the existing Settlement in the Conquered Provinces lying on the right and left banks of the River Jumna, with the exception of the Southern division of the district of Seharunpore and in the territory ceded to the British Government by His Highness the Peishwah in Bundlecund, in all cases, in which the settlement may have been concluded with the actual proprietors of the land:—PASSED *by the Governor General in Council on the* 18*th September* 1818, *corresponding with the* 3*d Assin* 1225 *Bengal era; the* 4*th Assin* 1226 *Fusly; the* 4*th Assin* 1226 *Willaity; the* 4*th Assin* 1875 *Sumbut, and the* 16*th Zekaad* 1233 *Higeree.*

THE existing settlement of the land revenue in the Conquered Provinces, lying on the right and left banks of the river Jumna, and in the territory ceded by His Highness the Peishwah Preamble.

Peishwah in Bundlecund, will expire with the year 1227, F. S. and an extension of the said settlement for a further period of five years in all cases, in which it shall have been formed with the actual proprietors of the soil, and in which there is no reason to believe that the assessment is greatly inadequate or unequal, is calculated to promote the interests of the land holders, and will be otherwise attended with public advantage; but there being ground to apprehend that the existing settlement of the Southern division of the district of Seharunpore has been formed on very insufficient data, the Governor General in Council deems it proper to exclude that division from the operation of the general arrangement above-mentioned. The following rules have accordingly been enacted, to be in force from the period of their promulgation in the Provinces and territory aforesaid.

The existing settlement of the land revenue in Bundlecund and in the Conquered Provinces, with the exception of the southern division of Seharunpore, to continue in force until the end of the year 1232 Fusly.

II. *First.* The existing settlement of the land revenue in the Conquered Provinces lying on the right and left banks of the river Jumna, with the exception of the Southern division of the district of Seharunpore and in the territory ceded to the British Government by His Highness the Peishwah in Bundlecund, shall, in all cases, in which it may have been concluded with zemindars or other acknowledged proprietors of land, continue in force until the expiration of the year 1232 Fuslee, subject to the following provisions.

Proprietors who may not be willing to continue to hold their lands for the further period above specified, to notify the same to the Collector before the 1st July, 1819.

Second. If any proprietors of estates, within the said Provinces and Territory, (with the exception of the tract of country aforesaid,) who may have entered into engagements for the payment of the public revenue, during the existing settlement, shall not be willing to continue to hold their lands on the terms specified in the preceding Section of this Regulation, for a further period of five years, viz. to the expiration of the year 1232, Fuslee, they shall notify the same to the Collector of the Zillah, within

within which their lands may be situated, on or before the 1st July, 1819.

Third. All such zemindars, who shall not make a notification to the effect, and within the period abovementioned, shall be held, and are hereby declared to be responsible, for the payment of the same Revenue, during the five years, subsequent to the settlement now in formation, viz. until the expiration of the year 1232, Fuslee, as may be specified in their engagements for the year 1227, Fuslee.

If they shall not make such notification, to be held responsible until the end of the year 1232 for the same revenue as is specified in their engagements for the year 1227.

III. With respect to estates which are at present let to farm, and of which the leases will expire with the Fuslee year 1227, the settlement of such Mehauls shall be made with the actual proprietors, in all cases in which they may be willing to engage, during the years 1228, 1229, 1230, 1231 and 1232, for the payment of an annual jumma, equal to the amount payable by the farmers respectively on account of the year 1227, and shall make the necessary application to the Collector of the district in which the lands may be situated, or to the Board of Commissioners, on or before the 1st January, 1820.

Rules for the settlement of Mehauls let in farm.

IV. In cases in which the proprietors of estates may decline to engage for the payment of the revenue demandable from their lands, during the years 1228, 1229, 1230, 1231 and 1232, or in which no acknowledged proprietors may be forthcoming, it will be the duty of the revenue authorities to take timely measures for ascertaining the assets of the estates, preparatory to the arrangements to be made for the above period, and it shall be competent in such cases to the said authorities either to let the lands in farm for that period, or to assume the direct management of them.

Rules to be observed when proprietors may decline to engage.

V.

Specification of the Pergunnahs in the Southern Division of Seharunpore excluded from the operation of the foregoing provisions.

V. The undermentioned Pergunnahs, forming the Southern division of the district of Seharunpore, are excluded from the operation of the rules contained in the preceding Sections of this Regulation; and on the expiration of the present settlement of the said Pergunnahs, a new settlement shall be made for a term of five years: Provided however, that in any cases in which the proprietors of estates shall be desirous previously to the expiration of the present settlement of entering into engagements at an adequate jumma, for the years 1228, 1229, 1230, 1231 and 1232, F. S. and the revenue authorities, shall possess in regard to such Mehauls, the information necessary to an assessment on proper principles; it shall be competent to the Board of Commissioners at any time after the promulgation of this Regulation, to direct a settlement to be concluded with such proprietors for the period aforesaid, viz. for the years 1228, 1229, 1230, 1231 and 1232, F. S. subject to the confirmation of Government.

Pergunnahs referred to in the above Section.

Ajrara,
Baughput,
Bhojepore,
Bhooma,
Bugra,
Chuprowlee,
Dadree,
Dasnah,
Gungaroo,
Gurhmooktasur,
Hawpore,
Jowley,
Julalabad,
Kandlah,

Keranah,

Keranah,
Khatowlee,
Lalookheree,
Loney,
Meerut,
Nelohah,
Phookanah,
Shekarpore,
Shamlee,
Shuckurpore,
Sorohee,
Sumbulheree,
Surrawah,
Tandah,
Tarrapore,
Tekuree,
Teturwarra,
Pooth,
Seeana,
Thana Fureeda.

A. D. 1818. REGULATION X.

A REGULATION *for ensuring the more punctual and regular collection of the Public Revenue from Proprietors and Farmers of Land in the District of Cuttack, the Pergunnah of Puttaspore, and the several Pergunnahs dependent on it :*—PASSED *by the Governor General in Council on the 9th October* 1818 ; *corresponding with the 24th Assin* 1225 *Bengal era ; the 25th Assin* 1226 *Fussily ; the 25th Assin* 1226 *Willaity ; the 10th Assin* 1875 *Sumbut ; and the 8th Zeelhege* 1233 *Higeree.*

WHEREAS it is deemed expedient with the view to ensure for the future the more punctual collection of the public revenue from zemindars, talookdars and other actual proprietors of land and farmers of land in the district of Cuttack, the Pergunnah of Puttaspore, and the several places dependent on it, to assimilate the system of collection in the said District and Pergunnah, and places, more nearly to that pursued in the Western Provinces ; the following Rules have been accordingly enacted, to be in force from the promulgation of this Regulation in the district and mohauls above mentioned. Preamble.

II.

The whole or a portion of a kist, payable for any month, if undischarged on the 1st of the next month, to be considered an arrear of Revenue.

II. If the whole, or a portion of the kist or instalments payable for any month by a proprietor or a farmer of land, shall remain undischarged on the 1st of the following month, the sum so remaining unpaid is to be considered an arrear of Revenue.

Every proprietor and farmer to pay the instalments for each month, on or before the 1st of the ensuing month, without waiting for the amount being demanded.

III. Every proprietor of land, and farmer of land is to cause the whole of the instalments of each month to be paid into the treasury of the collector of the zillah, or to the tehsildar, or other officer, who may be appointed to receive the public revenue, assessed on the estate or farm, on or before the first day of the following month, without waiting for the amount being demanded by the collector or tehsildar, or other officer.

In the event of any arrear remaining undischarged, collector to issue a dustuck, or send a written notice, requiring payment within a given period.

IV. In the event of any arrear of revenue being undischarged on the first day of the month succeeding that for which the arrears may be due, the collector shall, in ordinary cases, either issue his dastuck by a peon, or send a written notice by letter through the agents of the parties in attendance at his cutcherry, requiring payment of the kist due within a certain period, after the day on which the writing may be served. In fixing that period, reference shall be had to the distance of his place of residence from the estate or farm of the defaulter, so as to allow him a reasonable time to convey the money to the public treasury, and in determining which of the above modes of process shall be adopted, the collector shall be guided by a consideration of the credit and responsibility of the parties: Provided, however, that in cases, in which it may appear to the collector unnecessary to issue a written demand, previously to the adoption of ulterior measures for the recovery of any arrear of revenue, it shall be competent to him altogether to omit that process.

In fixing such period reference to be had to certain circumstances.

Proviso.

V.

V. *First.* If the arrear demanded be not discharged by the time prescribed in the requisition issued by the collector, or where a written demand may not have been issued by the 10th of the month, the collector shall issue dustucks under his seal and signature, and the peons serving such dustucks (if the amount in demand be not paid) are to bring the party or parties to whom they are addressed, whether proprietor, farmer, or the surety of either, without delay to the collector's cutcherry. The peons serving these dustucks shall be paid at the rates already established in the Province. On the arrival of the defaulters, or their sureties, at the collector's station, the collector shall make enquiry into the circumstances of the case, and if the amount demandable be not paid, may keep the party or parties under arrest (in charge of the peons with whom they arrived or otherwise) during fifteen days from the date of their arrival: Provided however, that the collector may discharge the defaulter or his surety, at any time within this period, on their satisfying him, that they will make good the payment required from them before the expiration of the current Hindoo month. But if such satisfaction be not given, and the collector shall not judge proper, under the discretion vested in him by the existing Regulations, in regard to cases in which the proprietor or farmer of land may be unable to discharge the arrear from calamity of season, or other cause not originating in his or their neglect, mismanagement or misconduct, to suspend the imprisonment of the defaulter or his surety, he shall at the expiration of the fifteen days above specified, cause the party or parties to be conveyed to the jail of the nearest Court of Dewanny Adawlut; and shall apply to the Court by motion in writing, specifying the amount of the arrear due from the defaulter, and the date on which it became payable. The motion shall be made in open Court (if the Court shall be sitting) through the pleader of Government or other vakeel retained for the purpose, for the confinement of the defaulter: But if the Court shall not be sitting, the

Should the arrear still remain unpaid, collector how to proceed.

Discretionary authority vested in the collector to discharge from arrest, conditionally, a defaulter or his surety.

Defaulter, if not so discharged, to be conveyed at the end of fifteen days to the Dewanny Jail.

the motion shall be presented to the judge or register out of Court. On receipt of the motion, the judge or register shall immediately order the defaulter to be confined in the jail of the Dewanny Adawlut, and detained until he shall have discharged the arrears, for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the collector shall apply to the Court as above directed to have him released. In all cases in which defaulting farmers or proprietors of land, or the sureties of either shall be put in confinement, it shall be optional with the collector at his own discretion to attach their lands and make the collections according to subsisting engagements, excepting such as are evidently collusive, to the end of the current year, or, at the request of the parties, to allow the estate to remain under the management of an agent appointed by them: Provided, however, that in either case, if the neat collections prove insufficient to discharge the arrears due, the estate shall be considered liable to sale by public auction, under the existing rules.

In cases in which defaulters may be so confined, the collector may attach their land and make the collections.

Proviso.

Second. Provided also, that the collector may proceed to attach the estate of the defaulting proprietor, or farmer, or the surety of either, without arresting his or their persons, in conformity with the rules established for that process by Regulation VII. of 1799, in any month of the year.

Collector may also attach the estate of a defaulting proprietor or farmer, or the surety of either, without arresting his or their persons.

Third. Provided further, that if the collector shall be of opinion that instead of confining the person of the defaulter, or the surety, and attaching his estate or farm, the arrear due from him will be more speedily discharged by distraining and selling any personal property belonging to the defaulter or his surety; or if in any case, notwithstanding the confinement of a defaulting proprietor or farmer or surety, and the attachment of his estate or farm for an arrear of revenue, such arrear be not discharged, and the defaulter or his surety shall possess any personal property

Collector may distrain and sell any personal property belonging to the defaulter or his surety, for the recovery of the Revenue.

perty from which the same can be made good, the collector may cause the personal property of the defaulter, or his surety, to be distrained and sold, as far as shall be necessary for the recovery of the arrear due, in the mode and under the restrictions prescribed by the Regulations, with regard to the distress and sale of personal property of under-tenants, for the recovery of arrears of rent due from them to proprietors and farmers.

Collector may advertise defaulter's lands for sale, giving notice thereof to the Board of Revenue, or other executive authority; but not to proceed to the actual sale of such lands, without the sanction of the Board or authority.

Fourth. Provided likewise, that whenever any portion of an instalment of revenue, payable in any month, remains undischarged on the first of the following month, the collector may forthwith, or at any subsequent period (such arrear still remaining undischarged) with or without serving on the defaulter, whether a proprietor or farmer, a written demand, advertize lands the property of the defaulter, or his surety, for public sale; reporting the same with all convenient expedition to the Board of Revenue, or other authority exercising the powers of that Board: but the collector shall in no case proceed to the actual sale of the landed property of a defaulting proprietor, or farmer or the surety of either, without the express sanction of the Board or other authority aforesaid, previously obtained; and it shall be the duty of the revenue authorities to avoid having recourse to the public sale of the landed property of defaulters and their sureties, except in cases in which they may be satisfied that such a measure is necessary to the realization of the dues of Government; and that the other measures authorized in the preceding Sections would prove insufficient for that purpose.

Should a proprietor or farmer withhold the payment of Revenue, with a view to derive benefit from the use of the money, collector to charge interest on the arrear.

VI. With the view of preventing proprietors or farmers of land from withholding the payment of the Public Revenue, in order to derive the benefit of the use of the money or otherwise applying it to their private purposes, it is hereby enacted that in any case in which it shall appear to the collector, that a talookdar, zemindar or other actual proprietor or farmer of land has,

without

without sufficient cause established to his satisfaction, withheld the payment of the public dues; the collector shall be authorized to charge the defaulter interest on the arrear at the rate of twelve per cent. per annum. The payment of the interest shall be enforced by the same process which is prescribed by this Regulation for compelling the discharge of arrears of the stipulated public revenue.

Collectors of Cuttack and Hidgellee, in instances of arrears accruing within that district and pergunnah, to be careful to ascertain the real causes of the arrears, and authorized to suspend the exercise of the powers vested in them, in cases which may appear to deserve consideration.

VII. Under the ample powers now vested in the collectors of Cuttack and Hidgellee, for ascertaining the assets of estates lying within the district and pergunnahs, to which this Regulation extends, by the process of attachment, and for bringing defaulters into their presence, as soon as an arrear becomes due, it is expected that in all instances of arrears accruing within the said district and pergunnahs, the above-named functionaries will be particularly careful to inform themselves as far as possible of the real cause of the arrear; viz. whether want of good faith on the part of the defaulter, or actual inability from a failure in his rents, from calamity of season or from any other cause. When the collector, from the report of his Mofussil officers, from personal observations, or from other information, obtained by him, shall be satisfied that the defaulter, whether proprietor or farmer, is unable from real inability, not proceeding from any personal deficiency, to make good his arrears by the periods specified in Section V. either from the collections from his estate or farm, or from his private funds, or property, he is directed to suspend the exercise of the powers, vested in him, for the confinement of the defaulter, the attachment of his estate, the distraint and sale of his or his surety's personal property, and immediate advertisement of his or his surety's landed property for sale by public auction: But the collector shall on such occasions immediately report all the circumstances of the case to the Board of Revenue, Commissioner, or other authority exercising the powers of

To report such cases to the Board.

that

that Board, and shall be guided by the instructions, which he may receive from the Board or other authority aforesaid. In forwarding his monthly towjees also to the Board, or other authority exercising the powers of that Board, the collector shall state particularly the number of cases, in which he has found it necessary to resort to coercive measures of the nature authorized in preceding Sections, as well as those in which he has considered it just and expedient to suspend the exercise of his powers; and the Board or other authority aforesaid, are hereby required to notice in their reports to the Governor General in Council on the towjee accounts of the district, and pergunnahs aforesaid, the attention or otherwise of the collector to this important part of his duty.

Nothing in this Regulation to be understood as affecting existing Regulations for the collection of Revenue in Cuttack, except such as are expressly superseded.

VIII. Nothing contained in this Regulation, shall be understood to alter or affect any of the provisions of existing Regulations relative to the collection of the land revenue in the zillah of Cuttack, excepting where they are virtually or expressly superseded, or modified by any of the above enactments.

A. D. 1818. REGULATION XI.

A REGULATION *for modifying certain parts of Regution* XIII. 1816 :—PASSED *by the Governor General in Council on the* 6*th November*, 1818 ; *corresponding with the* 22*d Kautick*, 1225 *Bengal era*; *the* 23*d Kautick* 1226 *Fusly*; *the* 23*d Kautick*, 1226 *Willaity*; *the* 9*th Kautick*, 1875 *Sumbut*; *and the* 6*th Moherrum*, 1234. *Higeree*.

WHEREAS by Sections XXXIX and LXXVI. Regulation XIII. 1816, it is prescribed that all opium, excepting that which may be manufactured on account of Government, or sold by its authority, which may be found within the provinces dependent on the Presidency of Fort William; together with Opium of whatsoever description, which may be found in the possession of any person, not duly authorized, in a quantity exceeding two tolahs weight, shall be considered contraband; and all persons, in whose possession such contraband opium may be found, are liable to the penalties prescribed in Section XLV. of the abovementioned Regulation; and whereas it appears expedient to exempt in certain cases travellers and visitants from foreign states, from the operation of the above rules, and generally to en- Preamble.

large

large the quantity of opium which individuals are permitted to have in their possession; and whereas it has likewise appeared advisable to modify certain other parts of the Regulation aforesaid; the following rules have been enacted, to be in force from the date of their promulgation throughout the provinces immediately dependent on the presidency of Fort William.

Section XXXIX. Regulation XIII. 1816, not to authorize the seizure of foreign opium when the quantity found in the possession of any traveller or visitant from a foreign state, may not exceed two seers, and may be intended for private use.

II. *First.* Section XXXIX. Regulation XIII. 1816, shall not be considered as authorizing the seizure and confiscation of any opium, the produce or manufacture of a foreign state or country, which may be found in the possession of any traveller or visitant from such foreign state or country, nor the seizure and confiscation of the carriages, cattle or packages on, or in which the opium may be found; provided that such opium do not exceed the quantity of two seers; and that it be bonâ fide intended for the private use and consumption of such traveller or visitant, or for the use and consumption of his attendants, and not for sale or traffic.

Nor the seizure of opium found in the possession of dealers in horses, when the quantity may not exceed ten Sicca weight for each horse.

Nor shall the Section above quoted be considered as authorizing the seizure and confiscation of any opium the produce or manufacture of a foreign state or country, which may be found in the possession of any dealers in horses from beyond the South West frontier of the Conquered Provinces, travelling with a string of horses; nor the seizure and confiscation of the carriages, cattle or packages on, or in which the opium may be found: provided that such opium do not exceed the proportion of ten Sicca weight for each horse.

Section XLV. of the same Regulation not to authorize any penalties for a breach of the above rules, except the confiscation of the opium found in excess to such limitation.

Second. In like manner Section XLV. of the said Regulation shall not be considered as authorizing the imposition of any fine or a sentence of imprisonment, on any such traveller or visitant, or dealer in horses from a foreign state or country, in whose possession any greater quantity of opium, the produce or manufacture of any foreign state, may be found, than the quantity specified

cified in the foregoing clause; nor the infliction of any other penalty besides the confiscation of the opium in excess to such limitation.

Third. Provided, however, that if any such traveller or visitant, or dealer in horses, shall at any time offer such opium for sale, or shall be proved to have at any time sold such opium, he or they shall be liable to all the penalties prescribed by the above quoted Regulation.

Penalty, if such foreign opium be offered for sale.

Fourth. Provided also, that nothing contained in the above clauses, shall be considered applicable to persons fraudulently, or clandestinely importing foreign opium into the provinces dependent on the presidency of Fort William in violation of the law. All such persons shall be and continue subject to the penalties, which are or may be prescribed for illicit dealings in opium.

Penalty for the illicit dealings in foreign opium.

III. *First.* In modification of Section LXXVI. of the above quoted Regulation, it is hereby declared, that all persons may have in their possession any quantity of opium, not exceeding five tolahs weight of the weight in use at the public shops in the district, being opium duly manufactured on account of Government, or sold by its authority, and intended for private use and consumption, and not for sale or traffic.

Modification of Section LXXVI. Regulation XIII. 1816.

Second. If a greater quantity of opium than that above specified shall be found on, or in possession of any person not duly authorized, and not being of the description specified in Section II. of this Regulation, the opium shall be considered contraband, as heretofore, and the offender shall be liable to the penalties prescribed in the above quoted Section.

Under what circumstances the opium to be considered contraband.

Third.

Power reserved to the Board of Revenue to allow Native medical practitioners or other individuals to retain larger quantities of opium than five tolahs weight.

Third. Provided however, that in cases in which the Board of Revenue, or other authority exercising the powers of that Board, may deem it expedient to authorize Native medical practitioners, or other individuals, to retain in their possession for medical purposes a larger quantity of opium than five tolahs weight, or to supply such persons with opium directly from the collector's office, at a lower price than it can be furnished by the licensed venders, the Board, or other authority aforesaid shall be empowered to direct the collectors, or other officers in charge of the abkarry mehal to grant to such persons a special license to that effect free of tax, and to supply them with opium on such terms as under the circumstances of the case may appear reasonable and proper.

Penalty for selling or giving away opium contrary to the purposes stated in the preceding Clause.

Fourth. Parties receiving such licences shall in no case sell or give any of the opium received by them under the above provision, unless for the purpose of its being bonâ fide administered under their own directions as medicine, in cases of actual sickness duly ascertained by them. All such licenses shall be liable at all times to be cancelled by the collector or other officer in charge of the abkarry mehal, with the sanction of the Board of Revenue or other authority exercising the powers of that Board; and any person having such a license, who shall sell or give opium to any person otherwise than for the purpose and in the manner above stated, or shall have in his possession a larger quantity of opium than that specified in his license, shall be subject to all the penalties prescribed for the illicit vend and possession of the drug.

Rule for determining rewards for the seizure and confiscation of contraband opium.

IV. *First.* In modification of the rules contained in Sections L. and LI. Regulation XIII. 1816, and the other provisions contained in that Regulation for determining the rewards granted on the seizure and confiscation of contraband opium, it is hereby enacted that all illicit opium that may be hereafter seized, shall be

be valued at seven Rupees per seer, and that in all cases, in which the rewards assigned to persons seizing contraband opium, or giving information leading to the seizure of such opium, or to European functionaries by whose subordinate officers a seizure is effected, are regulated by the quantity of opium seized and confiscated, the amount of such rewards shall be proportionably reduced; that is to say, in cases in which under the provisions of the said Regulation persons as aforesaid are entitled to a reward of two Rupees eight Annas per seer of eighty Sicca weight on the quantity of opium confiscated, such persons shall henceforth receive for each seer one Rupee twelve annas only, and in cases in which the reward now receivable is Rupees five per seer, a reward of three Rupees eight Annas per seer shall be granted.

Rewards how to be determined in cases where the owner of opium may be seized and convicted, and in cases where the owner may not be apprehended and convicted.

Second. Provided further, that the said rewards of one Rupee twelve Annas and three Rupees eight Annas per seer shall be granted only in cases in which the owners of opium seized and confiscated may be apprehended and convicted, and that in cases in which the said owners shall not be apprehended and convicted, the persons seizing the opium, or giving information leading to the seizure of it, and the European functionaries by whose subordinate officers the seizure may be effected, shall be entitled to one moiety only of the said rewards, viz. to fourteen Annas, or one Rupee twelve Annas per seer, as the case may be.

A. D. 1818. REGULATION XII.

A REGULATION *for extending the powers of the Magistrates and joint Magistrates in the trial of persons charged with breaking into houses and other places of habitation, or into warehouses or other places used for the custody of property with an intent to steal; or charged with theft; or with buying or receiving stolen property, knowing the same to have been stolen; or charged with escape from jail or other place of confinement:*—PASSED *by the Governor General in Council on the 6th November* 1818, *corresponding with the 22d Kautick* 1225 *Bengal era; the 23d Kautick* 1226 *Fusly; the 23d Kautick* 1226 *Willaity; the 9th Kautick* 1875 *Sumbut, and the 6th Moherrem* 1234 *Higeree.*

Preamble.

WHEREAS under the existing Regulations the magistrates are not empowered to pass any sentence of punishment upon prisoners who may be charged before them with the

the offence of breaking into or attempting to break into houses, tents, boats, or other places of habitation, or into warehouses or other places, used for the custody of property, with an intent to steal, as defined in Section II. Regulation I. 1811, or with the offence of receiving or buying stolen goods, knowing the same to be stolen; and whereas much of the time of the Judges of Circuit is occupied in investigating these and some other offences, which from their character and from the circumstances attending their perpetration, do not very frequently demand any severe or exemplary degree of punishment; and whereas the prosecutors and witnesses in such cases are exposed to great distress and inconvenience in being compelled to attend, not only during the enquiry into such cases before the magistrates, but subsequently during the trial before the Court of Circuit; and whereas the prisoners themselves in such cases, are sometimes subjected to a prolonged detention in custody previously to their trial at the Sessions; and whereas some of the inconveniences above noticed will be obviated, and the ends of Criminal Justice will be more promptly and effectually obtained by investing the magistrates with certain powers with regard to the trial and punishment of persons charged with and convicted of such offences; the following rules have been enacted, to be in force from the date of their promulgation throughout the territories immediately dependant on the presidency of Fort William.

Rules for the guidance of magistrates on the trial of offenders charged with Burglary.

II. *First.* The zillah and city magistrates shall be guided by the following rules, whenever individuals may be apprehended and brought before them, on a charge of having committed the offence of breaking into, or attempting to break into, a dwelling house, tent, boat, or other place of habitation, by night or by day, with an intent to steal (but without open violence, such as to constitute the crime of robbery by open violence), or with the

offence

offence of breaking into, or attempting to break into any warehouse, store-house, or other building or place used for the custody or preservation of property, either by night or by day, with an intent to steal (but without open violence;) or of being present, aiding and abetting in the commission of any of the offences above specified; or although not present, of having procured or caused the perpetration of any of those offences by hire, counsel or command; or of having in any manner confederated with the actual perpetrators of them, in pursuance of a pre-concerted plan.

In cases of Burglary attended with acts of violence, and certain other circumstances of aggravation, the magistrates to commit the offenders to the Court of Circuit.

Second. If the perpetration of any of the offences enumerated in the preceding Clause, not amounting to the crime of robbery by open violence, shall be accompanied with murder, or with an attempt to commit murder, or with wounding, burning, corporal injury, or other aggravating act of personal violence; or if the prisoners, or any of the prisoners concerned in the offences described in the preceding Clause, shall appear to have been before convicted of burglary, robbery, or other heinous crime; or if the prisoners, or any of them, shall appear to be persons of notoriously bad character, or shall be charged with having committed the offence while employed in the office of watchmen, guards, or police officers, as described in Section IV. Regulation III. 1805; or if the value or amount of the property stolen, shall exceed the sum of One hundred Rupees: in all such cases, it shall be the duty of the magistrate to commit the whole of the prisoners who may appear from the evidence adduced to have been concerned in the offence, to take their trial before the Court of Circuit at the ensuing Session.

Punishment to be awarded by Courts of Circuit on such offenders when convicted.

Third. In cases of conviction before the Court of Circuit of individuals charged with any of the offences above specified, the Judge of Circuit shall be guided by the rules contained in Section VIII. Regulation XVII. 1817, referring such cases as

may

may come within the provisions of Clause Second, and Clause Fourth of that Section, to the Court of Nizamut Adawlut, and in all other cases not coming within the provisions of those Clauses, sentencing the prisoners to suffer such degree of punishment, as on a consideration of all the circumstances of the case, may appear adequate to the offence; not exceeding, however, in any instance, thirty-nine stripes of the corah, and imprisonment with hard labour for fourteen years, with or without banishment from the district in which the prisoner may have resided.

Magistrates empowered to take cognizance of burglaries, unattended with the aggravating circumstances noticed in Clause Second.

Fourth. If from the investigation held by the magistrate, there shall appear reason to believe, that a prisoner apprehended and brought before him, has been guilty of any of the offences described in the first Clause of this Section, but that such offence has not been attended with any of the circumstances of aggravation specified in the Second Clause of this Section, the magistrate shall, in addition to the evidence which may be adduced on the part of the prosecution, take the defence of the prisoners and the evidence of the witnesses who may be designated by the prisoners in support of their defence, and, after a full and deliberate investigation, shall proceed, without reference to the Court of Circuit, to pass sentence of acquittal or conviction.

Punishment which the magistrates may inflict on offenders convicted of burglary before them.

Fifth. If the prisoners be convicted, the magistrate is hereby empowered to sentence them to imprisonment, with hard labor for a period not exceeding two years, and to corporal punishment not exceeding thirty stripes of the ratan, and to carry such sentence into immediate execution.

Rules for extending the powers of magistrates in the punishment of persons convicted of theft, and defining cases cognizable respectively by magistrates and Courts of Circuit.

III. *First.* Under the existing Regulations, the magistrates are empowered to sentence prisoners convicted before them, of theft, to imprisonment for a period not exceeding six months,

with

with corporal punishment not exceeding thirty ratans; and in cases appearing to them to demand a more severe punishment, they are required to commit the prisoners for trial before the Court of Circuit.—The following rules are now enacted, for extending the powers of the magistrates in the punishment of prisoners, convicted of theft, and for defining the cases which are to be cognizable respectively by the magistrates, and by the Courts of Circuit.

Thefts in which the offenders must be committed for trial before the Court of Circuit.

Second. In all cases of theft, whether in a house, warehouse, or other place, or from the person of another (not coming within the provisions of the Regulations in force for the punishment of robbery by open violence,* or the provisions of Clause First, Section II. of this Regulation,) if the theft, or the attempt to commit the same shall have been accompanied with murder, or with an attempt to commit murder; or with wounding, burning, severe corporal injury, or other aggravating act of personal violence, it shall be the duty of the magistrate to commit the whole of the prisoners, who may appear from the evidence adduced to have been concerned, either as principals or accomplices in the offence, to take their trial before the Court of Circuit at the ensuing Session.—The magistrate shall also exercise his discretion in committing for trial before the Court of Circuit, any prisoners charged with theft (although not attended with the aggravating circumstances above mentioned,) who from their notoriously bad character, or from their having been before convicted of a heinous offence, or from any other peculiar circumstances of the case, may appear to him deserving of a severer punishment than the magistrate is authorized to inflict under the following Clauses of this Section.—Such persons, if convicted on trial before the Court of Circuit, will be liable to the penalties prescribed for the offences in question by the 2d, 4th, 5th and 7th, Clauses of Section VIII. Regulation XVII. 1817.

Discretion vested in magistrates in committing prisoners accused of theft, for trial, although not charged with using personal violence.

Penalties to which such persons are liable on conviction before the Court of Circuit.

Third.

Magistrates to try and decide in all other cases of theft.

Third. With exception to the cases above mentioned, the magistrates shall hear and determine, without reference to the Courts of Circuit, all other cases of theft, and after having duly considered the evidence which may be adduced on the part of the prosecution and of the prisoner, shall pass sentence of acquittal or conviction.

Punishment to which prisoners are declared liable in cases of theft cognizable by magistrates if attended with aggravating circumstances.

Fourth. In cases of theft cognizable by the magistrate under the foregoing rules, if the amount or value of the property stolen shall exceed fifty Rupees, or if the persons committing the theft shall have been before convicted of theft, burglary, robbery, or other heinous offence; or if the prisoner shall have committed the offence while employed in the office of watchman, guard or police officer, as described in Section IV. Regulation III. 1805, or be a servant of the person from whom the property may have been stolen, or a servant employed in the house in which the theft may have been committed, as well as in all cases of cattle stealing, the magistrate shall be empowered, on proof of the guilt of the prisoner, to sentence him to imprisonment with hard labour for such period as may appear proper, not exceeding two years, and to corporal punishment, not exceeding thirty stripes with a ratan.

Magistrate to refer other cases of theft to his assistant or investigate them himself.

Fifth. In other cases of theft, not included in the foregoing provisions, the magistrate shall either refer the case for decision to his assistant, under the powers vested in the assistant to the magistrate, by the Regulations in force, or shall proceed to investigate them himself, and to pass sentence on the prisoners under the powers vested in him by Section XIX. Regulation IX. 1807.

Sections VII. and VIII. Regulation I. 1811, rescinded, and rules enacted for the guidance of magistrates in investigating charges against receivers and buyers of stolen property.

IV. *First.* The provisions contained in Sections VII. and VIII. Regulation I. 1811, for the punishment of persons convicted of receiving or buying stolen or plundered property, knowing the

same

same to have been stolen or plundered, are hereby rescinded, and the magistrate shall be guided by the following rules in the investigation of charges preferred against individuals for the offence of receiving or buying stolen goods, cattle, jewels, money, or effects of whatever description, knowing the same to have been stolen.

Second. All prisoners who may appear to the magistrate from the investigation held by him, to be guilty of having purchased or received plundered or stolen property, of any description, knowing at the time of his purchasing, or receiving the same, that such property had been obtained in the perpetration of robbery by open violence, or of theft, accompanied with any of the aggravating circumstances described in the Second Clause of Section II. or the Second Clause of Section III. of this Regulation, shall be committed by the magistrate to take their trial before the Court of Circuit; and such persons if convicted before the Court of Circuit of the offence of receiving or buying plundered or stolen goods, cattle, jewels, money, or effects of whatever description, knowing at the time that such property had been obtained by robbery, or by theft, accompanied with any of the aggravating circumstances described in the Second Clause of Section II. or the Second Clause of Section III. of this Regulation, shall be sentenced by the Judge of Circuit, according to the circumstances of the case, to such period of imprisonment as may appear proper, in no instance, however, exceeding fourteen years; and to corporal punishment, not exceeding thirty-nine stripes of the corah.

Purchasers or receivers of stolen property, obtained under aggravating circumstances, to be tried before the Court of Circuit.

Punishment on conviction.

Third. The magistrate shall also be empowered to commit for trial to the Court of Circuit, any prisoner charged with the offence of buying or receiving stolen property of whatever description, knowing at the time that such property had been stolen, although the property may not have been obtained in the perpetration of theft, accompanied by any of the aggravating

Notorious offenders and common receivers of stolen property obtained without violence, may be also tried before the Court of Circuit.

circumstances

circumstances described in the Second Clause of Section II. and the Second Clause of Section III. of this Regulation, provided that the prisoner shall have been before convicted of the offence of buying or receiving stolen property, or of robbery, burglary, theft, or other heinous crime, or that the prisoner shall appear to be an habitual and professional receiver of stolen property, or a person of notoriously bad character, and such person shall, upon being duly convicted before the Court of Circuit, be liable to such punishment within the limitations prescribed in the preceding Clause of this Section, as the Court of Circuit may judge proper to direct, on a consideration of all the circumstances of the case.

Magistrates empowered to hear and decide all other cases in which prisoners may be charged with buying or receiving stolen property.

Fourth. With exception to the cases above-mentioned, the magistrate shall hear and determine, without reference to the Courts of Circuit, all other cases in which individuals may be charged with the offence of buying or receiving stolen property of whatever description, knowing it at the time to have been stolen, or with the offence of having in their possession property obtained by theft or robbery, and knowing at a period of time subsequently to its first coming into their possession, that such property had been so obtained, notwithstanding which they may have kept the stolen property in their possession without restoring it to the owner, or giving information to the local police officer or magistrate—In such cases the magistrate, after having duly considered the evidence in support of the prosecution, the defence of the prisoners, and the evidence of the witnesses designated by the prisoners, shall proceed to pass sentence of conviction or acquittal: If the prisoners be convicted, the magistrate is hereby empowered to sentence them to imprisonment with hard labour, for a period not exceeding in any case two years, and to corporal punishment, not exceeding thirty stripes of the ratan.

Magistrates how to proceed in such cases.

Fifth.

Fifth. It is hereby explained, that persons charged with the offences specified in the preceding Clauses of this Section, may be brought to trial and sentenced to punishment, although the actual perpetrators of the theft or robbery may not have been convicted; provided however, that the fact of the theft or robbery having been committed be established, and it be proved, that the purchaser or receiver knew that the property in question had been obtained by theft or robbery.

Receivers may be tried, and punished, although the actual thief or robber may not have been convicted.

Proviso.

V. *First.* The cases of convicts, or of prisoners ordered to be confined till they give security for good behaviour, who may effect their escape while under sentence, or order of imprisonment, from a jail, or other place of confinement, or from the custody of their guards, shall be cognizable by the magistrate, and upon conviction, the magistrate shall be empowered to sentence the offenders to corporal punishment, not exceeding thirty stripes with a ratan, and (if sentenced to a limited period of imprisonment) to suffer such further period of imprisonment beyond the unexpired term of their original sentence, as he may judge proper; provided, however, that such additional imprisonment shall in no case, exceed the period of two years. If the prisoner be in confinement under an order to find security for good behaviour, he may be sentenced to imprisonment for a specific term, not exceeding two years.

Convicts, or prisoners confined for security, effecting their escape, to be tried by the magistrate.

Punishment on conviction.

Proviso.

Second. The cases of prisoners apprehended and detained in custody, under examination on charges of a criminal nature, but not admitted to bail, who may effect their escape from a jail or other place of confinement, or from the custody of their guards, shall also be cognizable by the magistrates, and such prisoners being duly convicted of the offence in question, shall be liable to a sentence of imprisonment, in no case exceeding six months.

Prisoners escaping from confinement, while under examination, to be tried and sentenced by the magistrate.

Third. The rules contained in the two preceding Clauses shall

The foregoing rules declared inap-

plicable to convicts, who, in escaping from confinement, may be guilty of acts of serious personal violence.

shall not, however, be considered applicable to the cases of convicts, or other prisoners, who, in effecting their escape, or in attempting to effect their escape, shall be guilty of such a degree of violence towards their guards or other individuals, as may in its consequences, involve the death, wounding or severe personal injury of any person or persons. In all cases of that nature, it shall be the duty of the magistrate to commit the offender to take his trial before the Court of Circuit.

Magistrates how to proceed in such cases.

Magistrates to submit separate lists to the Courts of Circuit, of all persons, sentenced by them to a longer imprisonment than six months.

VI. *First.* In addition to the calendars of persons apprehended and discharged, or punished, which the magistrates are now required to submit to the Court of Circuit at the period of the Sessions, it shall be the duty of the magistrates to furnish a separate list of all persons, who may have been sentenced by them under the provisions of this Regulation, to a longer period of imprisonment than six months, shewing the names of the prisoners, the crimes with which they may have been charged and the sentences passed upon them; and it is hereby declared, that the powers vested in the Courts of Circuit, and in the Nizamut Adawlut, with regard to the revision of sentences and orders passed by the magistrates, shall be considered applicable to all sentences and orders passed by the magistrates under this Regulation.

The Nizamut Adawlut and Courts of Circuit empowered to revise all such sentences and orders passed by the magistrates.

The powers vested in the magistrates extended to the superintendents of police and joint magistrates.

Second. The superintendents of police, and all officers vested with the powers of joint magistrates under the Regulations, are hereby declared competent to exercise the same powers and functions as are entrusted to the zillah and city magistrates under this Regulation.

Darogahs, &c. entrusted with discretionary authority in apprehending, and forwarding, certain offenders to the magistrates.

VII. *First.* By the first Clause of Section XXV. Regulation XX. 1817, the darogahs and other police officers are authorized to stay the process of arrest against persons accused of any of the offences specified in that Section (including house-breaking and

and theft,) until they can receive the magistrate's orders, when any special reason may appear why the issue of process for apprehending the party accused should be stayed. In further explanation of that Clause, it is hereby declared, that the darogahs and other police officers are empowered to postpone apprehending and forwarding to the magistrate, persons charged with thefts, whether attended with burglary or otherwise; provided it shall appear that the offenders shall not have used any personal violence in the occurrence, and provided that the parties against whom the offence shall have been committed, shall express their desire, that the offenders shall not be apprehended, and conveyed before the magistrate; provided also, that the offenders have not previously been actually guilty of, or suspected of having committed theft, or burglary, or robbery.

Proviso.

Further provision.

Second. Every case of this nature shall be fully and immediately reported by the police officers to the magistrate, who will either call for any further information which he may judge proper, or will at once determine according to the circumstances of the case, whether it is or is not necessary, for the ends of justice, that the charge should be regularly investigated, and will issue his orders accordingly.

Such cases to be reported to the magistrates.

Third. In the exercise of that discretion, the magistrate will be governed by any extenuating circumstances, which may appear, such as the youth of the offender, his having been prompted to the offence (more especially in times of scarcity and famine) by extreme distress, and by his character appearing to have been previously respectable: Under less favorable circumstances, the magistrate will also attend to the important object of preserving the honor of families, when the offender may be nearly connected with the party who has suffered the injury, and the latter may be anxious to exempt the offender from the infamy of a public ignominious punishment.

Magistrates how to proceed in such cases.

A. D. 1818. REGULATION XIII.

A REGULATION *for extending for a further period of three years the existing Settlement of Cuttack, Pergunnah Puttaspore, and its dependencies, in all cases in which the Settlement may have been concluded with Zemindars or actual Proprietors of the Land:*—PASSED *by the Governor General in Council on the 20th November* 1818, *corresponding with the 6th Aughun* 1225 *Bengal era; the 8th Aughun* 1226 *Fusly; the 7th Aughun* 1226 *Willaity; the 7th Aughun* 1875 *Sumbut, and the 20th Moherrem* 1224 *Higeree.*

WHEREAS the existing settlement of the district of Cuttack, the pergunnah Puttaspore, and its dependencies, will expire with the present year, 1226 Umlee, and whereas Preamble

an

an extension of the said settlement, at an equal jumma, in all cases in which it has been formed with zemindars or other proprietors of estates is calculated to promote the interests of that class of persons, and will likewise afford due time to the revenue officers to collect the materials necessary for the formation of a settlement on proper principles; and whereas it appears expedient to make a distinct provision for determining the amount of malikana to be allowed to those zemindars or other proprietors who shall decline to enter into engagements for their estates; the following rules have been enacted, to be in force from the date of their promulgation in the district of Cuttack, and in the pergunnah of Puttaspore, and its dependencies.

The settlement of Cuttack and of the pergunnah of Puttaspore and its dependencies, to continue in force until the expiration of the year 1229 Umlee.

II. The existing settlement of the land revenue of the district of Cuttack, and of the pergunnah Puttaspore, and its dependencies; shall, in all cases in which it may have been concluded with zemindars, or other acknowledged proprietors of land, continue in force until the expiration of the year 1229 Umlee, subject to the following provisions.

Zemindars who may be unwilling to continue their engagements to the year 1229 Umlee, to notify the same to the Collector on or before the 1st March, 1819.

III. If any zemindars or other proprietors of estates within the said district and pergunnah and its dependencies, who may have entered into engagements for the payment of the public revenue during the existing settlement, shall not be willing to continue those engagements to the expiration of the year 1229 Umlee, they shall notify the same to the Collector of Cuttack, or to the Collector of Hidgellee, according as the lands may be subject to the authority of either of those officers, on or before the 1st March 1819, corresponding with the 19th Phagoon 1225 Bengal era; the 19th Phagoon 1226 Fusly; the 20th Phagoon 1226 Willaity; the 5th Phagoon 1875 Sumbut, and the 3d Jumadoolawal 1234 Higeree.

IV.

IV. All zemindars who shall not make a notification to the effect, and within the period above-mentioned, shall be held, and are hereby declared to be responsible, for the payment of the same revenue, during the ensuing three years, viz. until the expiration of the year 1229 Umlee, as may be demandable from them on account of the present year, under the provisions of Regulation VI. 1816, or under distinct engagements entered into by such proprietors.

Zemindars liable to the payment of the same revenue as before, if they do not make such notification.

V. With respect to estates which are at present let to farm, and of which the leases will expire with the present year, as well as estates now held khaus, the settlement of all such lands shall be formed for the ensuing three years with the zemindars, or other actual proprietors of land, supposing such persons to be willing to engage for the payment of the public revenue, on such terms as may appear reasonable, according to the most accurate information obtainable regarding the produce of their lands.

Settlement how to be formed of estates now let to farm or held khaus.

VI. In cases in which the zemindars or other proprietors may relinquish the management of their estates under the option given to them, by Section III. of this Regulation, or who may otherwise decline to engage for the payment of the revenue demandable from their lands during the ensuing three years, and in cases in which no acknowledged proprietors of lands may be forthcoming, it will of course be the duty of the revenue authorities to take timely measures for ascertaining the assets of the estates, and it shall be competent in such cases to the said authorities to let the lands in farm for such period not exceeding ten years, as the Governor General in Council shall appoint, or to assume the direct management of them. In all such cases the recusing zemindars shall be entitled from and after the commencement of the ensuing Umlee year, to receive an allowance as malikana, at such rate as the Board of Revenue, the Commissioner

Revenue authorities how to proceed in cases where the zemindars or proprietors may relinquish the management of their estates, and in cases where no proprietors of lands may be forthcoming.

Recusing zemindars entitled to an allowance as malikana.

in Cuttack, or other officer exercising the powers of the said Board, shall in each case determine, any thing in the existing Regulations notwithstanding; provided, however, that the said allowance shall not in any case be less than five per cent. on the net amount realized by Government from the lands, nor shall it exceed ten per cent. on that amount, without the special sanction of the Governor General in Council: Provided further, that if the said recusing zemindars or other proprietors, shall in any case be in the receipt of any allowance in lieu of the nankar, formerly granted to them by the Marhatta Government, under the provisions of Regulation XII. 1805, the amount of such nankar allowance shall be deducted from the malikana, to which they are by this Section declared to be entitled.

At what rate the malikana to be fixed.

All nankar allowance enjoyed by a recusing zemindar, to be deducted from the malikana authorized under the present Regulation.

A. D. 1818. REGULATION XIV.

A REGULATION *for altering the Standard of the Calcutta Sicca Rupee and Gold Mohur, and for further modifying some of the rules in force respecting those Coins.*—PASSED *by the Governor General in Council, on the 24th December* 1818 *; corresponding with the* 11*th Poose* 1225 *Bengal era; the* 12*th Poose* 1226 *Willaity; the* 12*th Poose* 1875 *Sumbut; and the* 25*th Suffer* 1234 *Higeree.*

Preamble.

THE high standards established for the Gold Mohur and Sicca Rupee, having been found productive of many inconveniencies, both to individuals and the public, in as much as they are ill-calculated to resist the wear and defacement to which coins are necessarily exposed, and as they are only to be obtained by having recourse to the expensive process of refining, diminishing consequently the productiveness of most of the sorts of Bullion imported into the Company's territories; and it being desirable also, that as much uniformity as can be established between the

currencies

currencies circulating at the different Presidencies, should be introduced,—consequently that an approximation of the standard of the Calcutta Coins to the standard of those current at Madras and Bombay should be effected,—it has been resolved to rescind the provisions of former Regulations relative to the standard of the Gold Mohur and nineteenth Sun Sicca Rupee, and to coin in future money of the proportions hereafter to be specified.

As a reduction in the value of the Sicca Rupee from its being in great measure the money of account, both in private and public transactions, would necessarily change the terms of all existing contracts, and might be productive of embarrassment and trouble, it has been determined to leave the Rupee unaltered in this respect and the new Calcutta Sicca Rupee will consequently contain the same quantity of fine Silver, as that heretofore struck, and being of the same intrinsic value, will circulate on the same terms. The Mint proportions of Silver and Gold being, it is believed, inaccurately estimated at present, and it being also desirable, that an uniformity in this respect should be introduced at the three Presidencies of Calcutta, Madras and Bombay, it has been thought advisable to make a slight deduction in the intrinsic value of the Gold Mohur, to be coined at this Presidency, in order to raise the relative value of fine Gold to fine Silver, from the present rates of 1 to 14,861, to that of 1 to 15. The Gold Mohur will still continue to pass current at the present rate of Sixteen Rupees. For the purposes and objects above enumerated, the following provisions are hereby enacted, and declared to be in force from the 1st of January, 1819.

Part of Section II. Regulation XXXV. 1793, rescinded.

I. *First.* So much of Section II. Regulation XXXV, 1793, as fixes the weight and standard of the Nineteenth Sun Sicca Rupee and Gold Mohur, is hereby rescinded.

Second

Second. The weight and standard of the Calcutta Sicca Rupee and Gold Mohur, and their respective divisions, shall be as follows.

Specification of the weight and standard of the Calcutta Sicca Rupee and Gold Mohur.

	Gold.	*Fine Gold.*	*Alloy.*
Gold Mohur Weight.			
Grs. - - - - - - - -	204.710	187.651	17.059
Half ditto, - - - - - -	102.355	93.825	8.529
Quarter ditto, - - - - -	51.177	46.912	4.264
	Silver.	*Fine Silver.*	*Alloy.*
Sicca Rupee Weight.			
Grs. - - - - - - - - -	191.916	175.923	15.993
Half ditto, - - - - - -	95.958	87.961	7.997
Quarter ditto, - - - - -	47.979	43.981	3.998

II. All Calcutta Sicca Rupees and Gold Mohurs of the weight and standard specified in Section I. which may be coined in the Calcutta Mint, after the 1st of January, 1819, and also their halves and quarters, are to be considered as legal tender of payment in all public and private transactions throughout the provinces of Bengal, Behar and Orissa, in like manner as the Nineteenth Sun Sicca Rupees and Gold Mohurs, and the fractional parts of them now in circulation, and any Native officer of Government refusing to receive them, shall be subject to the penalty prescribed in Section III. Regulation XXXV. 1793.

Sicca Rupees and Gold Mohurs of the weight and standard specified in the preceding Section, to be considered as legal tenders.

III. *First.* The following provisions shall be substituted for those of Section II. Regulation II. 1812, which are hereby rescinded.

Section II. Regulation II. 1812, rescinded.

Second. All silver bullion or coin (not being struck at the Calcutta Mint) which may be delivered into that Mint for coinage, shall be subject to a duty at the rate of two per cent. on the produce of such bullion or coin, in Sicca Rupees of the above weight and standard, and the amount of the said duty shall be accordingly deducted from the return to be made to the proprietor.

Duty to be levied on bullion or coin delivered into the Calcutta Mint for coinage.

Third.

Duty to be levied if the proprietor shall desire to have his bullion or coin converted into halves or quarters of Rupees.

Third. Individuals who may be desirous of it, shall be at liberty to have their bullion or coin converted into halves or quarters of the above Rupee, on condition of paying a duty at the rate of one per cent. in addition to the duty of two per cent. established by the preceding Clause.

Duty to be levied if such coin shall consist of Calcutta Siccas.

Fourth. Should however the coin brought to the Mint for that purpose, consist of Calcutta Siccas of the former or present weight and standard, the proprietors shall only be subject to the additional duty of one per cent. and not to the duty on all other coin and bullion.

Course of proceeding to be observed when silver bullion or coin shall be delivered into the Mint.

Fifth. On delivery of the silver bullion or coin into the Mint, the Mint Master shall grant to the proprietor a receipt, entitling him to a certificate from the Assay Master, for the net produce of such bullion or coin, agreeably to the Table subjoined to this Regulation, and marked No. 1. payable at the General Treasury at Calcutta, at the expiration of ten days, if the produce be deliverable in whole Rupees; and at the expiration of twenty days, if the produce be deliverable in halves or quarters of a Rupee, from the date of such certificate. In the latter case, the additional duty established by Clause Third Section IV. of this Regulation, is of course to be deducted from the net produce.

Application of Section III. Regulation II. 1812, to Rupees, half and quarter Rupees, coined in conformity with this Regulation.

IV. Section III. Regulation II. 1812, is hereby declared applicable to Rupees, half and quarter Rupees, coined in conformity with the provisions of this Regulation, provided however that all such Rupees, halves and quarters, shall be receivable in all public and private transactions, if, when separately weighed, the deficiency in point of weight, be not more than two pice, or grains Troy 1,999 per Rupee.

Clauses 3d and 4th, Section V. Regulation II. 1812, rescinded.

V. *First.* The following rules shall be observed in lieu of the Third and Fourth Clauses of Section V. Regulation II. 1812, which are hereby rescinded.

Second. For all gold bullion or coin equal to, or better than the standard prescribed for the Gold Mohur by this Regulation, which may be brought to the Mint for coinage, a number of the new Gold Mohurs, or of the halves and quarters of such Mohurs, equal to the produce of such bullion, shall be returned to the proprietor, after deducting the duty of 2½ per cent. as mentioned in Clause Second, Section V. Regulation II. 1812.

Mode of proceeding when gold bullion or coin brought to the Mint for coinage, shall be equal to or better than the standard prescribed for the Gold Mohur by this Regulation.

Third. All gold bullion or gold coin, being under the above specified standard, which may be delivered into the Calcutta Mint for coinage, shall, in addition to the duty of two Rupees eight Annas per cent. fixed by Clause Second, Section V. Regulation II. 1812, be subject to a charge, on account of the loss and expense of refining agreeably to Table No. II. annexed to this Regulation, together with the established deduction on account of the inferiority of standard.

Mode of proceeding when it may be inferior to the above specified standard.

VI. Such parts of Regulation XXXV. of 1793, and Regulation II. 1812, as are not repealed by the above Regulation, shall be considered as still in force.

Certain provisions of Regulation XXXV. 1793 and Regulation II 1812, to be still in force.

No. 1.

[No. 1.]

Table of the Produce of Silver Bullion in the Calcutta Mint, commencing the 1st of January 1819.

Standard.	Decimal addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Sa. Rs.	Duty of 2 per Cent. on Coinage.	Nett Produce Sicca Rupees.
Dwts.							
20 Br.	9.091	,,	,,	109.091	102.128	2.043	100.085
19½ Br.	8.864	,,	,,	108.864	101.915	2.038	99.877
19 Br.	8.636	,,	,,	108.636	101.702	2.034	99.668
18½ Br.	8.409	,,	,,	108.409	101.489	2.030	99.459
18 Br.	8.182	,,	,,	108.182	101.277	2.026	99.251
17½ Br.	7.955	,,	,,	107.955	101.064	2.021	99.043
17 Br.	7.727	,,	,,	107.727	100.851	2.017	98.834
16½ Br.	7.500	,,	,,	107.500	100.638	2.013	98.625
16 Br.	7.273	,,	,,	107.273	100.426	2.008	98.418
15½ Br.	7.045	,,	,,	107.045	100.212	2.004	98.208
15 Br.	6.818	,,	,,	106.818	100.000	2.000	98.000
14½ Br.	6.591	,,	,,	106.591	99.787	1.996	97.791
14 Br.	6.364	,,	,,	106.364	99.575	1.991	97.584
13½ Br.	6.136	,,	,,	106.136	99.361	1.987	97.374
13 Br.	5.909	,,	,,	105.909	99.149	1.983	97.166
12½ Br.	5.682	,,	,,	105.682	98.936	1.979	96.957
12 Br.	5.455	,,	,,	105.455	98.724	1.974	96.750
11½ Br.	5.227	,,	,,	105.227	98.510	1.970	96.540
11 Br.	5.000	,,	,,	105.000	98.298	1.966	96.332
10½ Br.	4.773	,,	,,	104.773	98.085	1.962	96.123
10 Br.	4.545	,,	,,	104.545	97.872	1.957	95.915
9½ Br.	4.318	,,	,,	104.318	97.659	1.953	95.706
9 Br.	4.091	,,	,,	104.091	97.447	1.949	95.498
8½ Br.	3.864	,,	,,	103.864	97.234	1.945	95.289
8 Br.	3.636	,,	,,	103.636	97.021	1.940	95.081
7½ Br.	3.409	,,	,,	103.409	96.808	1.936	94.872
7 Br.	3.182	,,	,,	103.182	96.596	1.931	94.665
6½ Br.	2.955	,,	,,	102.955	96.383	1.928	94.455
6 Br.	2.727	,,	,,	102.727	96.170	1.923	94.247
5½ Br.	2.500	,,	,,	102.500	95.957	1.919	94.038
5 Br.	2.273	,,	,,	102.273	95.745	1.915	93.830
4½ Br.	2.045	,,	,,	102.045	95.531	1.911	93.620
4 Br.	1.818	,,	,,	101.818	95.319	1.906	93.413
3½ Br.	1.591	,,	,,	101.591	95.106	1.902	93.204
3 Br.	1.364	,,	,,	101.364	94.894	1.898	92.996
2½ Br.	1.136	,,	,,	101.136	94.680	1.894	92.786
2 Br. Eng. Std.	.909	,,	,,	100.909	94.468	1.889	92.579
1½ Br.	.682	,,	,,	100.682	94.255	1.885	92.370
1 Br.	.455	,,	,,	100.455	94.043	1.881	92.162
½ Br.	.227	,,	,,	100.227	93.830	1.877	91.953
Standard.	.000	,,	,,	100.000	93.617	1.872	91.745
½ W.	.227	,,	.227	99.773	93.404	1.868	91.536
1 W.	.455	,,	.455	99.545	93.191	1.864	91.327
1½ W.	.682	,,	.682	99.318	92.979	1.860	91.119

A. D. 1818. REGULATION XIV.

Standard.	Decimal addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Sa. Rs.	Duty of 2 per Cent. on Coinage.	Nett Produce Sicca Rupees.
Dwts.							
2 W.	.909	,,	.909	99.091	92.766	1.855	90.911
2½ W.	1.136	,,	1.136	98.864	92.554	1.851	90.703
3 W.	1.364	,,	1.364	98.636	92.341	1.847	90.494
3½ W.	1.591	,,	1.591	98.409	92.128	1.843	90.285
4 W.	1.818	,,	1.818	98.182	91.915	1.838	90.077
4½ W.	2.045	,,	2.045	97.955	91.703	1.834	89.869
5 W.	2.273	,,	2.273	97.727	91.489	1.830	89.659
5½ W. Sp. Dr. Std.	2.500	,,	2.500	97.500	91.277	1.826	89.451
6 W.	2.727	,,	2.727	97.273	91.064	1.821	89.243
6½ W.	2.955	.297	3.252	96.748	90.573	1.811	88.762
7 W.	3.182	.445	3.627	96.373	90.222	1.804	88.418
7½ W.	3.409	.592	4.001	95.999	89.871	1.797	88.074
8 W.	3.636	.744	4.380	95.620	89.517	1.790	87.727
8½ W.	3.864	.901	4.765	95.235	89.156	1.783	87.373
9 W.	4.091	1.058	5.149	94.851	88.797	1.776	87.021
9½ W.	4.318	1.064	5.382	94.618	88.579	1.771	86.808
10 W.	4.545	1.072	5.617	94.383	88.359	1.767	86.592
10½ W.	4.773	1.078	5.851	94.149	88.139	1.763	86.376
11 W.	5.000	1.088	6.088	93.912	87.918	1.758	86.160
11½ W.	5.227	1.100	6.327	93.673	87.694	1.754	85.940
12 W.	5.455	1.112	6.567	93.433	87.469	1.749	85.720
12½ W.	5.682	1.125	6.807	93.193	87.244	1.745	85.499
13 W.	5.909	1.138	7.047	92.953	87.020	1.740	85.280
13½ W.	6.136	1.150	7.286	92.714	86.796	1.736	85.060
14 W.	6.364	1.161	7.525	92.475	86.572	1.731	84.841
14½ W.	6.591	1.173	7.764	92.236	86.349	1.727	84.622
15 W.	6.818	1.186	8.004	91.996	86.124	1.722	84.402
15½ W.	7.045	1.196	8.241	91.759	85.902	1.718	84.184
16 W.	7.273	1.208	8.481	91.519	85.677	1.713	83.964
16½ W.	7.500	1.220	8.720	91.280	85.454	1.709	83.745
17 W.	7.727	1.233	8.960	91.040	85.229	1.704	83.525
17½ W.	7.955	1.250	9.205	90.795	85.000	1.700	83.300
18 W.	8.182	1.268	9.450	90.550	84.770	1.695	83.075
18½ W.	8.409	1.287	9.696	90.304	84.540	1.691	82.849
19 W.	8.636	1.305	9.941	90.059	84.311	1.686	82.625
19½ W.	8.864	1.321	10.185	89.815	84.082	1.682	82.400
20 W.	9.091	1.339	10.430	89.570	83.853	1.677	82.176
20½ W.	9.318	1.357	10.675	89.325	83.623	1.672	81.951
21 W.	9.545	1.373	10.918	89.082	83.396	1.668	81.728
21½ W.	9.773	1.404	11.177	88.823	83.153	1.663	81.490
22 W.	10.000	1.434	11.434	88.566	82.913	1.658	81.255
22½ W.	10.227	1.466	11.693	88.307	82.670	1.653	81.017
23 W.	10.455	1.496	11.951	88.049	82.429	1.648	80.781
23½ W.	10.682	1.526	12.208	87.792	82.188	1.644	80.544
24 W.	10.909	1.555	12.464	87.536	81.949	1.639	80.310
24½ W.	11.136	1.585	12.721	87.279	81.708	1.634	80.074
25 W.	11.364	1.615	12.979	87.021	81.466	1.629	79.837
25½ W.	11.591	1.649	13.240	86.760	81.222	1.624	79.598
26 W.	11.818	1.683	13.501	86.499	80.978	1.620	79.358

Standard.	Decimal addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Sa. Rs.	Duty of 2 per Cent. on Coinage.	Nett Produce Sicca Rupees.
Dwts.							
26 ½ W.	12.045	1.717	13.762	86.238	80.733	1.614	79.119
27 W.	12.273	1.751	14.024	85.976	80.488	1.610	78.878
27½ W.	12.500	1.800	14.300	85.700	80.230	1.605	78.625
28 W.	12.727	1.850	14.577	85.423	79.970	1.599	78.371
28½ W.	12.955	1.900	14.855	85.145	79.710	1.594	78.116
29 W.	13.182	1.950	15.132	84.868	79.451	1.589	77.862
29½ W.	13.409	2.010	15.419	84.581	79.182	1.584	77.598
30 W.	13.636	2.068	15.704	84.296	78.915	1.578	77.337
30½ W.	13.864	2.128	15.992	84.008	78.646	1.573	77.073
31 W.	14.091	2.183	16.274	83.726	78.382	1.568	76.814
31½ W.	14.318	2.240	16.558	83.442	78.116	1.562	76.554
32 W.	14.545	2.296	16.841	83.159	77.851	1.557	76.294
32½ W.	14.773	2.349	17.122	82.878	77.588	1.552	76.036
33 W.	15.000	2.398	17.398	82.602	77.330	1.547	75.783
33½ W.	15.227	2.444	17.671	82.329	77.074	1.541	75.533
34 W.	15.455	2.485	17.940	82.060	76.822	1.536	75.286
34½ W.	15.682	2.511	18.193	81.807	76.585	1.532	75.053
35 W.	15.909	2.536	18.445	81.555	76.349	1.527	74.822

No.

[No. 2.]

Table of the Produce of Gold Bullion in the Calcutta Mint, commencing the 1st January, 1819.

New Standard.			Decimal addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sicca weight.	Produce in Gold Mohurs.	Duty of 2½ per Cent. on Coinage.	Net produce in Gold Mohurs.
Carats.	Grains	Qrs.							
2.	,,	Br.	9.09091	,,	,,	109.09091	95.74485	2.39362	93.35123
1.	3.	¾ Br.	8.80682	,,	,,	108.80682	95.49551	2.38739	93.10812
1.	3.	½ Br.	8.52273	,,	,,	108.52273	95.24618	2.38115	92.86503
1.	3.	¼ Br.	8.23864	,,	,,	108.23864	94.99684	2.37492	92.62192
1.	3.	0 Br.	7.95455	,,	,,	107.95455	94.74751	2.36869	92.37882
1.	2.	¾ Br.	7.67046	,,	,,	107.67046	94.49817	2.36245	92.13572
1.	2.	½ Br.	7.38636	,,	,,	107.38636	94.24883	2.35622	91.89261
1.	2.	¼ Br.	7.10227	,,	,,	107.10227	93.99949	2.34999	91.64950
1.	2.	0 Br.	6.81818	,,	,,	106.81818	93.75016	2.34375	91.40641
1.	1.	¾ Br.	6.53409	,,	,,	106.53409	93.50082	2.33752	91.16330
1.	1.	½ Br.	6.25000	,,	,,	106.25000	93.25149	2.33129	90.92020
1.	1.	¼ Br.	5.96591	,,	,,	105.96591	93.00216	2.32505	90.67711
1.	1.	0 Br.	5.68182	,,	,,	105.68182	92.75282	2.31882	90.43400
1.	0.	¾ Br.	5.39773	,,	,,	105.39773	92.50349	2.31259	90.19090
1.	0.	½ Br.	5.11364	,,	,,	105.11364	92.25416	2.30635	89.94781
1.	0.	¼ Br.	4.82956	,,	,,	104.82956	92.00483	2.30012	89.70471
1.	0.	0 Br.	4.54545	,,	,,	104.54545	91.75547	2.29389	89.46158
0.	3.	¾ Br.	4.26136	,,	,,	104.26136	91.50614	2.28765	89.21849
0.	3.	½ Br.	3.97727	,,	,,	103.97727	91.25680	2.28142	88.97538
0.	3.	¼ Br.	3.69318	,,	,,	103.69318	91.00747	2.27519	88.73228
0.	3.	0 Br.	3.40909	,,	,,	103.40909	90.75813	2.26895	88.48918
0.	2.	¾ Br.	3.12500	,,	,,	103.12500	90.50880	2.26272	88.24608
0.	2.	½ Br.	2.84091	,,	,,	102.84091	90.25946	2.25649	88.00297
0.	2.	¼ Br.	2.55682	,,	,,	102.55682	90.01013	2.25025	87.75988
0.	2.	0 Br.	2.27273	,,	,,	102.27273	89.76079	2.24402	87.51677
0.	1.	¾ Br.	1.98864	,,	,,	101.98864	89.51146	2.23779	87.27367
0.	1.	½ Br.	1.70455	,,	,,	101.70455	89.26213	2.23155	87.03058
0.	1.	¼ Br.	1.42045	,,	,,	101.42045	89.01278	2.22532	86.78746
0.	1.	0 Br.	1.13636	,,	,,	101.13636	88.76345	2.21909	86.54436
0.	0.	¾ Br.	.85227	,,	,,	100.85227	88.51411	2.21285	86.30126
0.	0.	½ Br.	.56818	,,	,,	100.56818	88.26478	2.20662	86.05816
0.	0.	¼ Br.	.28409	,,	,,	100.28409	88.01544	2.20039	85.81505
Standard.			.00000	,,	,,	100.00000	87.76611	2.19415	85.57196
0.	0.	¼ W.	.28409	.50000	.78409	99.21591	87.07794	2.17695	84.90099
0.	0.	½ W.	.56818	.50000	1.06818	98.93182	86.82861	2.17072	84.65789
0.	0.	¾ W.	.85227	.50000	1.35227	98.64773	86.57927	2.16448	84.41479
0.	1.	0 W.	1.13636	.50000	1.63636	98.36364	86.32994	2.15825	84.17169
0.	1.	¼ W.	1.42045	.50000	1.92045	98.07955	86.08060	2.15202	83.92858
0.	1.	½ W.	1.70455	.50000	2.20455	97.79545	85.83126	2.14578	83.68548
0.	1.	¾ W.	1.98864	.50000	2.48864	97.51136	85.58193	2.13955	83.44238
0.	2.	0 W.	2.27273	.50000	2.77273	97.22727	85.33259	2.13331	83.19928
0.	2.	¼ W.	2.55682	.50000	3.05682	96.94318	85.08326	2.12708	82.95618
0.	2.	½ W.	2.84091	.50000	3.34091	96.65909	84.83392	2.12085	82.71307
0.	2.	¾ W.	3.12500	.50000	3.62500	96.37500	84.58459	2.11461	82.46998
0.	3.	0 W.	3.40909	.50000	3.90909	96.09091	84.33525	2.10838	82.22687
0.	3.	¼ W.	3.69318	.50000	4.19318	95.80682	84.08592	2.10215	81.98377
0.	3.	½ W.	3.97727	.50000	4.47727	95.52273	83.83659	2.09591	81.74068
0.	3.	¾ W.	4.26136	.50000	4.76136	95.23864	83.58725	2.08968	81.49757
1.	0.	0 W.	4.54545	.50000	5.04545	94.95455	83.33791	2.08345	81.25446
1.	0.	¼ W.	4.82955	.50000	5.32955	94.67045	83.08858	2.07721	81.01136
1.	0.	½ W.	5.11364	.50000	5.61364	94.38636	82.83923	2.07098	80.76825
1.	0.	¾ W.	5.39773	.50000	5.89773	94.10227	82.58990	2.06475	80.52515
1.	1.	0 W.	5.68182	.50000	6.18182	93.81818	82.34057	2.05851	80.28206

New. Standard.			Decimal addition or deduction per Cent.	Charges for Refining.	Total deduction.	Produce in Sicca weight.	Produce in Gold Mohurs.	Duty of 2½ per Cent. on Coinage.	Net Produce in Gold Mohurs.
Carats.	Grains	Grs.							
1.	1.	¼ W.	5.96591	1.00000	6.96591	93.03409	81.65240	2.04131	79.61109
1.	1.	½ W.	6.25000	1.00000	7.25000	92.75000	81.40307	2.03508	79.36799
1.	1.	¾ W.	6.53409	1.00000	7.53409	92.46591	81.15373	2.02884	79.12489
1.	2.	0 W.	6.81818	1.00000	7.81818	92.18182	80.90440	2.02261	78.88179
1.	2.	¼ W.	7.10227	1.00000	8.10227	91.89773	80.65506	2.01638	78.63868
1.	2.	½ W.	7.38636	1.00000	8.38636	91.61364	80.40573	2.01014	78.39559
1.	2.	¾ W.	7.67045	1.00000	8.67045	91.32955	80.15639	2.00391	78.15248
1.	3.	0 W.	7.95455	1.00000	8.95455	91.04545	79.90705	1.99768	77.90937
1.	3.	¼ W.	8.23864	1.00000	9.23864	90.76136	79.65771	1.99114	77.66627
1.	3.	½ W	8.52273	1.00000	9.52273	90.47727	79.40838	1.98521	77.42317
1.	3.	¾ W.	8.80682	1.00000	9.80682	90.19318	79.15904	1.97898	77.18006
2.	0.	0 W.	9.09091	1.00000	10.09091	89.90909	78.90971	1.97274	76.93697
2.	0.	¼ W.	9.37500	1.00000	10.37500	89.62500	78.66037	1.96651	76.69386
2.	0.	½ W.	9.65909	1.00000	10.65909	89.34091	78.41104	1.96028	76.45076
2.	0.	¾ W.	9.94318	1.00000	10.94318	89.05682	78.16170	1.95404	76.20766
2.	1.	0 W.	10.22727	1.00000	11.22727	88.77273	77.91237	1.94781	75.96456
2.	1.	¼ W.	10.51136	1.00000	11.51136	88.48864	77.66304	1.94158	75.72146
2.	1.	½ W.	10.79545	1.00000	11.79545	88.20455	77.41370	1.93534	75.47836
2.	1.	¾ W.	11.07955	1.00000	12.07955	87.92045	77.16436	1.92911	75.23525
2.	2.	0 W.	11.36364	1.00000	12.36364	87.63636	76.91502	1.92288	74.99214
2.	2.	¼ W.	11.64773	1.50000	13.14773	86.85227	76.22686	1.90567	74.32119
2.	2.	½ W.	11.93182	1.50000	13.43182	86.56818	75.97752	1.89944	74.07808
2.	2.	¾ W.	12.21591	1.50000	13.71591	86.28409	75.72819	1.89320	73.83499
2.	3.	0 W.	12.50000	1.50000	14.00000	86.00000	75.47885	1.88697	73.59188
2.	3.	¼ W.	12.78409	1.50000	14.28409	85.71591	75.22952	1.88074	73.34878
2.	3.	½ W.	13.06818	1.50000	14.56818	85.43182	74.98018	1.87450	73.10568
2.	3.	¾ W.	13.35227	1.50000	14.85227	85.14773	74.73085	1.86827	72.86258
3.	0.	0 W.	13.63636	1.50000	15.13636	84.86364	74.48151	1.86204	72.61947
3.	0.	¼ W.	13.92045	1.50000	15.42045	84.57955	74.23218	1.85580	72.37638
3.	0.	½ W.	14.20455	1.50000	15.70455	84.29545	73.98284	1.84957	72.13327
3.	0.	¾ W.	14.48864	1.50000	15.98864	84.01136	73.73350	1.84334	71.89016
3.	1.	0 W.	14.77273	1.50000	16.27273	83.72727	73.48417	1.83710	71.64707
3.	1.	¼ W.	15.05682	1.50000	16.55682	83.44318	73.23483	1.83087	71.40396
3.	1.	½ W.	15.34091	1.50000	16.84091	83.15909	72.98550	1.82464	71.16086
3.	1.	¾ W.	15.62500	1.50000	17.12500	82.87500	72.73616	1.81840	70.91776
3.	2.	0 W.	15.90909	1.50000	17.40909	82.59091	72.48683	1.81217	70.67466
3.	2.	¼ W.	16.19318	1.50000	17.69318	82.30682	72.23749	1.80594	70.43155
3.	2.	½ W.	16.47727	1.50000	17.97727	82.02273	71.98816	1.79970	70.18846
3.	2.	¾ W.	16.76136	1.50000	18.26136	81.73864	71.73882	1.79347	69.94535
3.	3.	0 W.	17.04545	1.50000	18.54545	81.45455	71.48949	1.78724	69.70225
3.	3.	¼ W.	17.32955	2.00000	19.32955	80.67045	70.80131	1.77003	69.03128
3.	3.	½ W.	17.61364	2.00000	19.61364	80.38636	70.55198	1.76380	68.78818
3.	3.	¾ W.	17.89773	2.00000	19.89773	80.10227	70.30264	1.75757	68.54507
4.	0.	0 W.	18.18182	2.00000	20.18182	79.81818	70.05331	1.75133	68.30198
4.	0.	¼ W.	18.46591	2.00000	20.46591	79.53409	69.80398	1.74510	68.05888
4.	0.	½ W.	18.75000	2.00000	20.75000	79.25000	69.55464	1.73887	67.81577
4.	0.	¾ W.	19.03409	2.00000	21.03409	78.96591	69.30531	1.73263	67.57268
4.	1.	0 W.	19.31818	2.00000	21.31818	78.68182	69.05597	1.72640	67.32957
4.	1.	¼ W.	19.60227	2.00000	21.60227	78.39773	68.80664	1.72017	67.08647
4.	1.	½ W.	19.88636	2.00000	21.88636	78.11364	68.55730	1.71393	66.84337
4.	1.	¾ W.	20.17045	2.00000	22.17045	77.82955	68.30797	1.70770	66.60027
4.	2.	0 W.	20.45455	2.00000	22.45455	77.54545	68.05862	1.70147	66.35715
4.	2.	¼ W.	20.73864	2.00000	22.73864	77.26136	67.80929	1.69523	66.11406
4.	2.	½ W.	21.02273	2.00000	23.02273	76.97727	67.55995	1.68900	65.87095
4.	2.	¾ W.	21.30682	2.00000	23.30682	76.69318	67.31062	1.68277	65.62785
4.	3.	0 W.	21.59091	2.00000	23.59091	76.40909	67.06128	1.67653	65.38475
4.	3.	¼ W.	21.87500	2.00000	23.87500	76.12500	66.81195	1.67030	65.14165
4.	3.	½ W	22.15909	2.00000	24.15909	75.84091	66.56261	1.66407	64.89854

New Standard			Decimal addition or deduction per Cent.	Charges for Refining.	Total deduction.	Produce in Sicca weight.	Produce in Gold Mohurs.	Duty of 2½ per Cent. on Coinage.	Net produce in Gold Mohurs.
Carats.	Grains	Qrs.							
2.	3.	¾ W.	22.44318	2.00000	24.44318	75.55682	66.31328	1.65783	64.65545
5.	0.	0 W.	22.72727	2.00000	24.72727	75.27273	66.06394	1.65160	64.41234

PRINCIPAL HEADS

OF THE

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TO THE

REGULATIONS.

OF

1818.

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ALTERATIONS,

ALTERATIONS, MODIFICATIONS, EXTENSIONS, AND RESCISSIONS.

Regulations altered, &c. &c.					By what Regulations.		
Year.	Regulation.	Section.	Clause.		Regulation.	Section.	Clause.
1793	XXXV.	II.		Partly rescinded by	XIV.	II.	*First.*
1803	LIII.	II.	*Sixth.*	Ditto - - -	VIII.	II.	*First.*
1807	IX.	XXIII.		Limited by - - -	VI.	III.	*First.*
1811	I.	VII. VIII		Rescinded by - -	XII.	IV.	*First.*
——	III.	II. III.		Ditto - - -	VII.	II.	
1812	II.	II.		Ditto - - -	XIV.	IV	*First.*
——	——	III.		Applied by - -	——	V.	
——	——	V.	*Third & Fourth*	Rescinded by - -	——	VI.	*First.*
——	VI.			Ditto - - -	VII.	II.	
1816	V.			Extended by - - -	I.	II.	
——	XIII.	XXXIX.		Modified by - - -	XI.	II.	*First.*
——	——	XLV.		Ditto - - -	——	——	*Second*
——	——	LXXVI.		Ditto - - -	——	III.	*First.*
——	XX.			Rescinded by - -	VII.	II.	
1817	XII.			Extended by - - -	I.	III.	
——	XX.	XXV.	*First.*	Explained by - -	XII.	VII.	*First.*
——	XXII.			Rescinded by - - -	V.	VII.	

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Civil Courts not competent to take cognizance of suits, if the cause of action shall have arisen previously to the 5th November, 1805, -			*Second*
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usages

	Regulation.	Section.	Clause.
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The existing settlement of the Land Revenue in Bundlecund, and in the Conquered Provinces, with the exception of the Southern Division of Seharunpore, to continue in force until the end of the year 1232 Fuslee,	IX.	II.	First.
Proprietors who may not be willing to continue to hold their lands for the further period above, specified, to notify the same to the Collector before the 1st July 1819,			Second.
If they shall not make such notification, to be held responsible until the end of the year 1232, for the same revenue as is specified in their engagements for the year 1227,			Third.
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	Regulation.	Section.	Clause.
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The Commissioner empowered to dispense with the			

rules

	Regulation.	Section.	Clause.
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without

	Regulation.	Section.	Clause.
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	Regulation.	Section.	Clause.
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from

	Regulation.	Section.	Clause.
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	Regulation.	Section.	Clause.
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	Regulation.	Section.	Clause.
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A. D. 1819. REGULATION I.

A REGULATION *for replacing the districts of Dinagepore and Rungpore, under the management of the Board of Revenue; for extending the authority of the Board of Commissioners in Behar and Benares, to the district of Goruckpore; for re-establishing Canoongoes and reforming the Office of Putwarry throughout the province of Bengal; and for explaining and modifying certain parts of Regulation* XII. 1817 :—PASSED *by the Governor General in Council, on the* 5*th February* 1819; *corresponding with the* 24*th Maug* 1225 *Bengal era; the* 25*th Maug* 1226 *Fusly; the* 25*th Maug* 1226 *Willaity; the* 11*th Maug* 1875 *Sumbut; and the* 9*th Rubee-us-Sanee* 1234 *Higeree.*

WHEREAS experience has evinced, that the general superintendence of the revenue affairs of the districts of Dinagepore and Rungpore, cannot so advantageously be Preamble.

exercised by the Board of Commissioners in Behar and Benares, as by the Board of Revenue, and it at the same time appears expedient, with reference to the circumstances and local situation of the district of Goruckpore, to extend to that district the authority of the former Board; and whereas it has likewise been deemed advisable to re-establish the office of Canoongoe, throughout the districts of Bengal, and similarly to extend the operation of Regulation XII. 1817. with a view to the general reform of the office of putwarry, the following rules have been enacted, to be in force from the 1st of March next.

The management of the revenues of the districts of Dinagepore and Rungpore replaced under the Board of Revenue.

II. Section. III. Regulation XXIV. 1817, is hereby rescinded, and the general superintendence of the revenues of the districts of Dinagepore and Rungpore, shall be exercised by the Board of Revenue, in the same manner as before the enactment of that Regulation.

The superintendence of the revenues of the district of Goruckpore vested in the Board of Commissioners in Behar and Benares.

III. The general superintendence of the revenues of the district of Goruckpore shall be vested in the Board of Commissioners in Behar and Benares, in the same manner and with the same powers and authority as it is now exercised by the Board of Commissioners in the Ceded and Conquered Provinces.

Canoongoes to be appointed throughout the province of Bengal, for the performance of the duties prescribed in Regulation V. 1816.

IV. *First.* Canoongoes shall be appointed throughout the province of Bengal, in the same manner, and for the performance of the same duties, as are prescribed in Regulation V. 1816. in regard to the district of Cuttack, the pergunnah of Puttaspore, and its dependencies; and all the rules contained in the Regulation aforesaid, are hereby extended generally to the province of Bengal.

Regulation XII. 1817 extended to the several districts in the province of Bengal.

Second. The provisions of Regulation XII. 1817, are in like manner hereby extended to the several districts of the said province, to which they have not yet been applied.

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Selection and nomination of Canoongoes in certain cases may be entrusted to other persons than the Collectors.

Third. Provided, however, that in cases in which it may not appear advisable, from whatever cause, to leave the selection and nomination of the Canoongoes to the Collector of the district, it shall be competent to the Governor General in Council, to appoint such other officer, specially to perform that duty, as he may judge expedient, and the officer so appointed shall have and exercise during such period as the Governor General in Council may direct, the same powers as are vested generally in Collectors of Land Revenue, under the provisions of Regulation V. 1816, and Regulation XII. 1817. But nothing herein contained shall be construed to preclude the person holding permanently the office of Collector in such district, from discharging the ordinary duties of his situation, under the general rules and regulations applicable to that branch of the public service.

Powers reserved to the Governor General in Council to suspend the operation of the rules regarding Canoongoes and Putwarries, in special cases.

Fourth. Provided further, that it shall be competent to the Governor General in Council, to suspend the operation of the rules contained in this or any former Regulation, regarding Canoongoes and Putwarries, within any mehals in which the establishment of such officers, as prescribed in those rules, may appear to be inexpedient.

The Board of Revenue declared competent to make such alteration in the duties to be performed by Canoongoes, as local circumstances may suggest.

Fifth. Provided likewise, that it shall be competent to the Board of Revenue, or other authority exercising the powers of that Board, to make such alteration in the duties to be performed by Canoongoes, as local circumstances shall suggest,—any thing in Section VII. Regulation IV. 1808, and other corresponding enactments to the contrary notwithstanding.

And may suspend the operation of Regulation XII. 1817, in certain districts and parts of the country.

Sixth. Provided also, that it shall be competent to the Board of Revenue to suspend, by proclamation, the operation of the rules of Regulation XII. 1817, in the districts of Chittagong and Sylhet, and in any other parts of the country in which individual estates may generally be of inconsiderable extent, until they shall have determined, under the discretion vested in them,

by Sections III. XVIII. & XXXIII. of that Regulation, the number of Putwarries to be appointed or retained; the mode in which they are to be remunerated, and the mehals to be permanently exempted from its general operation.

The Collector declared competent to assume the direct nomination and appointment of a Putwarry, in certain cases.

V. In all cases in which any village, or villages, or any lands whatsoever, the accounts of which may be kept by a single Putwarry, shall be held by two or more persons under distinct engagements with Government, it shall be competent to the Collector, with the approval of the Board of Revenue, or other authority exercising the powers of that Board, to assume the direct nomination and appointment of such Putwarry, with or without a reference to the proprietors. But in all such cases, the Collector shall deviate as little as possible from established usage, and shall be careful to consult the inclinations, and maintain the interests, of all persons connected with the mehals in question.

Explanation of Section II. Regulation XII. 1817.

VI. In explanation of Section II. Regulation XII. 1817, it is hereby declared and enacted, that if any proprietor or farmer of land shall refuse or omit to furnish the statement required by Section IV. of that Regulation, within the period therein prescribed, or at any subsequent period, when called upon to do so by the Collector, or other officer exercising the powers of Collector; it shall be competent to the Collector, or other officer aforesaid, with the approval of the Board of Revenue, or other authority exercising the powers of that Board, to levy a daily fine upon such proprietor or farmer, until the statement required be furnished, to such amount as may appear proper, with reference to the circumstances of the case, and to the condition in life of the offender.

All persons who may without due authority remove a Putwarry from office, or oppose him in the execution of his duties, declared liable to penalties.

VII. The penalties prescribed in Section XIII. Regulation XII. 1817, for the illegal removal of a Putwarry from office, by a zemindar, or other proprietor or farmer of land, are

hereby declared applicable to all persons whatsoever, who may without due authority remove from office any Putwarry duly constituted or appointed ; or who may oppose a Putwarry so appointed or constituted, in the performance of his duties ; or who may prevent his performing them ; or who may resist or evade the entry of a Putwarry, when duly appointed, into the possession of his office.

Recd. 24th Septr. 1819

WMB

A. D. 1819. REGULATION II.

A REGULATION *for modifying the provisions contained in the existing Regulations, regarding the resumption of the Revenue of Lands held free of Assessment under illegal or invalid tenures, and for defining the right of Government to the Revenue of Lands not included within the limits of Estates for which a Settlement has been made:*—PASSED *by the Governor General in Council, on the* 12*th February*, 1819; *corresponding with the* 2*d Phaugoon* 1225 *Bengal era; the* 2*d Phaugoon* 1226 *Fusly; the* 3*d Phaugoon* 1226 *Willaity; the* 2*d Phaugoon* 1875 *Sumbut; and the* 16*th Rubee-us-Sanee* 1234 *Higeree.*

Preamble.

THE rules contained in Regulations XIX. and XXXVII. 1793, relative to the resumption of the revenue of lands held free of assessment under illegal or invalid tenures, and the corresponding provisions enacted in subsequent years having been found inadequate to secure the just rights of Government, have

have from time to time been partially repealed, or modified. Those rules, however, are still in force within several of the districts subordinate to this Presidency, and the Regulations by which they have in other districts been superseded, appear to be in several respects defective. It further appears to be necessary, in order to obviate all misapprehension on the part of the public officers, or of individuals, to declare generally the right of Government to assess all lands, which at the period of the decennial settlement were not included within the limit of an estate for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the above period, nor lands held free of assessment under a valid and legal title; and at the same time formally to renounce all claim on the part of Government to additional revenue from lands which were included within the limits of estates, for which a permanent settlement has been concluded, at the period when such settlement was so concluded, whether on the plea of error or fraud, or on any pretext whatever, saving of course mehals expressly excluded from the operation of the settlement. With the view therefore of establishing, on proper principles, one uniform course of proceeding in resuming the revenue of lands liable to assessment; so that the dues of Government may be secured without infringement of the just rights of individuals, the following rules have been enacted, to be in force from the date of their promulgation throughout the provinces immediately subordinate to the Presidency of Fort William.

Certain Regulations rescinded.

II. *First.* Regulation VIII. of 1811,—Regulation V. of 1813,—and Regulations XI. and XXIII. of 1817, are hereby rescinded.

Certain parts of former Regulations rescinded.

Second. Sections XII. XIII. XIV. XVI. and XIX. Regulation XIX. 1793,—Sections VII. VIII. IX. XI. and XIV. Regulation XXXVII. 1793,—Sections XII. XIII. XIV. XVI. XIX.

XIX. Regulation XLI. 1795,—Sections VII. VIII. IX. XI. XIV. Regulation XLII. 1795,—Sections VII. VIII. IX. XI. XIV. Regulation XXXI. 1803,—Sections VII. VIII. IX. XI. XIV. Regulation XXXVI. 1803, are likewise hereby declared to be rescinded.

III. *First.* It is hereby declared and enacted, that all lands which at the period of the decennial settlement were not included within the limits of any pergunnah, mouza, or other division of estates for which a settlement was concluded with the owners, not being lands for which a distinct settlement may have been made since the period above referred to, nor lands held free of assessment under a valid and legal title of the nature specified in Regulations XIX. and XXXVII. 1793, and in the corresponding Regulations subsequently enacted, are, and shall be considered liable to assessment in the same manner as other unsettled mehals, and the revenue assessed on all such lands, whether exceeding one hundred beegahs or otherwise, shall belong to Government; provided, however, that nothing in the above rule shall be construed to affect the rights reserved to zemindars, talookdars and other proprietors of estates, with whom a permanent settlement has been concluded, to the exclusive enjoyment of the rent assessed on lands held on an invalid tenure, free of assessment, within the limits of their respective estates and talooks, and of which the extent may not exceed one hundred beegahs if in Bengal, Behar or Orissa, and fifty beegahs if within the province of Benares.

Lands not included in the decennial settlement, or for which a distinct settlement may not have been concluded, are liable to assessment, excepting lands held free of assessment under a valid and legal title.

Proviso.

Second. The foregoing principles shall be deemed applicable, not only to tracts of land such as are described to have been brought into cultivation in the Sundurbuns, but to all churs and islands formed since the period of the decennial settlement, and generally to all lands gained by alluvion, or dereliction since that period, whether from an introcession of the sea, an alteration in the course of rivers, or the gradual accession of soil on their banks.

The same principle, applicable to churs and alluvion lands.

Third.

Also to lands included within talooks of a particular description.

Third. The same principle shall likewise be deemed applicable to all lands, which though included at the period of the permanent settlement within the limits of talooks held by individuals under special pottahs from the collector, such as the putteetabady and jungulboory talooks in the districts of the 24-pergunnahs and Jessore, may not have been permanently assessed at the above-mentioned period; provided, however, that in respect to such lands, if in the possession of the original pottah holder, or his legal representative, the conditions of the pottah in regard to the assessment of the land included within the limits specified in that instrument, shall be strictly maintained.

Proviso.

Application of certain provisions of existing Regulations to grants for holding lands under mokurrery or certain other tenures.

Fourth. The several rules prescribed in Regulations XIX. and XXXVII. of 1793, and Regulations XLI. and XLII. of 1795, Regulations XXXI. and XXXVI. of 1803, Regulations VIII. and XII. of 1805, for determining the validity of grants for holding lands exempt from the payment of public revenue, are hereby declared applicable to grants for holding lands under mokurrery or other tenures, limiting the demand of Government; provided, however, that nothing in this Section shall be construed to affect the rules contained in Regulation VIII. 1793, relative to the assessment of lands held under valid grants, or leases, of the above nature, nor to alter the provisions contained in Regulation I. 1815, by which tenures of that description are declared liable to assessment on the death of the grantee.

Proviso.

Course of proceeding preparatory to an investigation regarding the liability of such lands to be assessed.

V. *First.* Whenever a collector of revenue, or other officer exercising the powers of collector, shall have reason to believe that any lands lying within the sphere of his official controul are liable to assessment, either as being held under an invalid tenure free of assessment, or at an inadequate jumma, or as being liable to assessment on the principles stated in Section III. of this Regulation, he shall report the circumstances to the Board of

of Revenue, or other authority exercising the powers of that Board, who, should they be of opinion that proper grounds exist for enquiry, shall direct the collector or other officer aforesaid to enter on an investigation of the case in the manner hereafter mentioned.

Notice to be served on the party.

Second. The collector on receiving the authority of the Board of Revenue, shall call the party before him by a notice, stating the demand of Government on the lands, and requiring him to attend either in person, or by vakeel, within the period of one month, and to produce all Sunnuds, or other writings in virtue of which he may possess the lands, or under which they may have been, or may be claimed to be held free of assessment, or at a fixed jumma.

Or to his agent if any accredited agent reside at the Sudder station.

Third. If the persons whose lands it is proposed to assess, have an accredited agent at the sudder station with general powers to act for his principal, the notice to be issued under the preceding clause, shall be tendered to such agent, to be communicated by him to his principal, and the agent's acknowledgment to be endorsed upon it shall be accepted as a sufficient service of it,—if he be desirous of giving such acknowledgment in preference to the notice being served on the person of his principal by a chupprassy, or peon of the collector.

Notice on the principal to be served thro' the nazir by a single peon.

Fourth. If the person, the revenue of whose lands it is proposed to resume, shall not have an accredited agent at the sudder station of the description above-mentioned—or if such agent shall decline receiving the notice for communication to his constituent, and the defendant be resident within the collectorship; it shall be served on him through the nazir of the collector by a single chupprassy, or peon; who shall require the acknowledgment of the party to be endorsed upon it, or, if he be absent from his usual place of residence, the acknowledgment

ledgment of his principal agent, or of any person acting for him during his absence. If the party be resident within the jurisdiction of any other collectorship than that in which the lands proposed to be assessed are situated, the notice shall be transmitted to the collector of the district in which the party may reside, to be served in the manner above directed.—If the party be neither resident within the collectorship in which the lands in question may be situated, nor in any other collectorship; the notice shall be served upon his agent or representative in charge of the lands.

Notice how to be served if the party reside in another jurisdiction.

Fifth. Provided always that if any party or his agent in charge of his land, on whom a notice may be served in the manner above prescribed, shall refuse to acknowledge the receipt of it when required by the person serving it, the tender of the notice to such party or his agent shall be taken for a sufficient service; such tender to be proved by the evidence of two persons residing on the lands, or in the nearest village.

If an acknowledgment be refused, the tender to be considered as sufficient notice.

Sixth. The collector shall, in the notice summoning the party, warn him, that if he withhold any writings of the nature specified in the second clause of this Section, within the period prescribed, they will not afterwards be received, unless he shall shew good and sufficient cause for not producing them, and shall assign such cause on his appearing before him.

What to be contained in the notice.

VI. *First.* If the holder of such lands to whom a notice may have been issued as directed in the preceding Section, shall abscond, or is not after diligent search to be found, or shall shut himself up in any house or building, or retire to any place, so that the notice cannot be served upon him, the collector or other officer exercising the power of collector on receiving the nazir's return to this effect, shall issue a proclamation, to be affixed

If notice cannot be served, a proclamation to be issued.

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in some conspicuous part of his cutchery. The proclamation shall be written in the Persian and Bengal languages in the provinces of Bengal, and Orissa (including Cuttack); in the Persian language and character and in the Hindoostanee language and Nagree character in Behar, Benares, and in the ceded and conquered Provinces, and it shall contain a copy of the former notice, and a further notification to the party, that if he shall not appear on a day to be fixed (which shall not be less than fifteen days from the time that the proclamation may be fixed up,) the collector will proceed without further notice, to hold the enquiry exparte. The collector or other officer exercising the power of collector, shall likewise order a copy of the proclamation and notice to be fixed up, with all practicable dispatch, on the outer door of the house, in which the holder of the lands may have usually dwelt, or in some conspicuous place in the chief village within, or in the neighbourhood of the lands proposed to be assessed.

What is to be contained in the proclamation.

Copy of the Proclamation where to be fixed up.

Second. The nazir shall return the order with an endorsement, stating at what times and places the proclamation may have been fixed up. The return of the nazir shall be filed with the collector's proceedings in the case. If the party shall not appear at the time limited in the proclamation, or if a party who may have been served with a notice shall not appear within the time therein limited, or if having appeared, he shall refuse to give answer, the collector shall proceed to investigate and decide upon the case in the same manner, as if the party had appeared, answered, and entered into proof.

Nazir's return how to be made.

If the party shall not appear or shall refuse to answer, the case to be investigated.

VII. In cases of land supposed to be liable to assessment under the provisions of Section III. of this Regulation, the collector or other officer exercising the powers of collector, shall institute a full and particular enquiry into the circumstances and condition of the land in question at the period of the decennial settlement; and in cases of alluvion land, into the period of its formation.

What enquiry to be made.

VIII.

Collector with the sanction of the Board may cause a survey or measurement to be made.

VIII. When an enquiry in regard to land of the nature of that described in the foregoing Section shall have been authorized, it shall be competent to the collector, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, previously obtained, to cause a survey or measurement to be made of all such lands, and of the estate to which such lands may be alleged to belong.

Collector may summon putwarries and require accounts and examine on oath;

IX. It shall likewise be competent to the collector, in all cases of enquiry held under the provisions of this Regulation, to summon the putwarry, gomashtah, or other person by whom the accounts relating to the lands proposed to be assessed, or to the estate to which the lands may be alleged to belong, are kept, and to require him to produce all accounts relating to such lands or estate, and to examine him on oath to the truth of such accounts, and on any other matter relating to such accounts, or regarding such lands or estate, in the manner specified in Section XXII. Regulation XII. of 1817.

And may require the attendance of the person claiming the land, with his accounts

X. It shall be further competent to the collector in such cases, with the sanction of the Board of Revenue, or other authority exercising the powers of that Board, to require the person claiming to be proprietor or farmer of the lands proposed to be assessed, or of the estates to which they are alleged to belong, to attend either in person or by representative, and to produce all the accounts relating to such lands or estate, within a reasonable period, not being less than one week.

Notice to be served on such person.

XI. *First.* Whenever the collector or person exercising the powers of collector, shall require the attendance of any proprietor or farmer, or of any putwarrry or gomashtah or other officer, for the purpose stated in the above Section, he is to serve such proprietor or other person as aforesaid, with a written notice under his official seal and signature, stating the purpose for which his attendance

attendance is required, the papers (if any) which he is to bring with him, and the period within which he is to attend.

Second. Provided further that the rules contained in Section III. Regulation XIV. 1793, regarding the mode of serving process for the recovery of arrears of revenue, shall be held applicable to processes issued by a collector or other officer exercising the powers of a collector, under the provisions contained in Sections IX. and X. of this Regulation; excepting always so much of the said rules, as prescribes, that the peon serving the summons, shall be paid by the party in whose name it is issued.

Such notice to be served in conformity with Section III Regulation XIV. 1793.

Exception.

XII. If any putwarry, gomashtah, or other person by whom the accounts of lands are kept, and who may be summoned by a collector or commissioner, under the provisions contained in Sections IX. and XI. of this Regulation, shall neglect or omit to produce his original accounts on the requisition of the collector or commissioner, or to give his evidence regarding them, or shall intentionally and deliberately give a false deposition on oath before the collector or commissioner, when summoned and examined as aforesaid, or shall alter, fabricate, falsify or mutilate the accounts relating to such lands, or to the estate to which such lands are stated to belong, shall be and be held liable to the pains and penalties specified in Sections XXIII. XXVI. and XXVII. of Regulation XII. 1817, according as the provisions of one or other of those Sections may be applicable to the offence committed by him.

Penalties on putwarries neglecting to produce accounts, or falsifying them, or giving false evidence regarding them.

XIII. *First.* If the holder of any lands, in regard to which the collector shall have been authorized by the Board of Revenue, or other authority exercising the powers of that Board, to institute the enquiry described by Section VII. of this Regulation, shall refuse or neglect to furnish the accounts relating to such lands,

Lands may be attached, if the holders of them neglect to furnish accounts.

lands within the period specified in the collector's requisition, the Board of Revenue, or other authority exercising the powers of that Board, shall be competent to direct the lands to be immediately attached, and the rents collected on account of Government, in the same manner as if the lands were the property of Government. In such cases, however, it shall still be the duty of the collector to make a full enquiry into the title of the holder of the lands, and to transmit his proceedings to the Board, who will decide whether the lands shall be deemed permanently liable to assessment.

In such cases a full enquiry to be made by the collector into the title of the holder

Second. Provided further that, if the holder of any lands assessed under the rules of this Regulation, shall institute a suit in court to contest the decision of the revenue authorities, and shall produce any accounts or documents beside such as he may have delivered to the collector, the accounts or documents so produced shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed,—unless he shall show good cause, to the satisfaction of the court, for not having produced the said accounts, or documents, and shall prove that he assigned such cause in answer to the collector's requisition, or shew good cause for not having done so.

Accounts not furnished to the revenue authorities shall not afterwards be received in evidence in courts of justice in suits instituted to contest the decision of those authorities

Exception.

Third. Provided also, that if any proprietor or farmer shall omit, or refuse to attend, or to cause his officer or agent to attend when duly summoned by the collector or commissioner by the time prescribed in the notice issued by the collector or commissioner, or shall omit or refuse to furnish the accounts or documents required, and to shew sufficient cause for such omission; the Board of Revenue or other authority exercising the powers of that Board, are authorized and empowered to impose upon him such daily fine, to be payable daily,

In what cases fines may be imposed for non-attendance of a proprietor or his agent, or for omission to furnish accounts

until

until he complies with the collector's requisition, as they may think adequate to his situation and circumstances in life, reporting however the amount for the information of the Governor General in Council. The fine when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of Revenue.

Penalties for resistance of process issued under this Regulation.

XIV. If any zemindar or other person shall resist or cause to be resisted, the attachment or measurement of lands, which the Board of Revenue or other authority exercising the powers of that Board, shall have authorized the collector or commissioner to attach or measure, under the provisions of this Regulation, or shall resist or cause to be resisted any process duly issued by the collector or commissioner, to compel a putwarry, gomashtah or other officer to produce his accounts, and to give his evidence respecting them under the provisions contained in Section IX. of this Regulation; it shall be competent to the Board of Revenue or other authority exercising the powers of that Board, on being satisfied that he is guilty of the charge, to adjudge the zemindar or other person so offending, to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and of the offence which he may have committed, and to levy the fine in the mode prescribed for the recovery of arrears of revenue; provided, however, that if the fine shall exceed five hundred Rupees, the Board shall submit a report of the case to the Governor General in Council, and shall not proceed to levy the fine, until they shall receive authority from Government for that purpose.

Proviso.

Duty of Collector when parties attend and produce their title deeds.

XV. When the party, whose lands it may be proposed to assess, shall appear in conformity with the notice or summons, and shall deliver up his title deeds, the collector shall give a receipt for them, and after duly examining them, shall deliver

to

to the party a statement of the grounds on which his land may appear liable to assessment, with copies, on plain paper, of all documents on which his opinion may be founded. The collector shall then desire the party to deliver a written answer within seven days.

The same subject continued.

XVI. It shall be the duty of the collector, or other officer exercising the powers of collector, carefully to number, mark, date, and sign all documents produced by a zemindar, or other person in possession of the lands proposed to be assessed, in support of his claim, to hold them free of assessment, or as parcel of an estate for which a permanent settlement shall have been concluded, and to insert in his proceedings the title and number of such documents, so that no doubt may exist in regard to their having been exhibited before him; and the collector shall, before proceeding to judgment, warn the party that no accounts or other documentary evidence of any kind which he shall not produce before him, and for not producing which he may not assign good and sufficient cause, will be received at any future period, either by the Revenue or Judicial authorities, and shall record his having done so on the face of his proceedings.

Witnesses for and against the claim of Government to be examined.

XVII. On receiving the answer of the party, the collector shall summon any witnesses he may deem necessary to support the claim of Government, with any which the party may desire to have summoned on his behalf, and shall take their depositions in judicial form, and in the presence of the party, or his authorized agent.

Documents to be examined and the party to be allowed access to the documents in support of the claim of Government.

XVIII. The collector shall carefully examine all documents that may be produced by the party, and shall likewise give the party access to inspect all documents on which he may rely, in proof of the liability of the land to assessment.

XIX.

XIX. *First.* The collectors and other officers exercising the powers of collectors, are hereby authorised to summon witnesses and administer oaths, or cause the execution of solemn declarations in lieu thereof, in all cases brought before them under this Regulation, conformably with the provisions of Section VI. Regulation IV. 1793, and Section II. Regulation I. 1803, corresponding with Section VII. Regulation III. 1803, and Clause VI. Section XXV. Regulation VIII. 1803, for the conquered and ceded Provinces; provided that if any witness shall refuse to take the oath required from him, he shall be sent to the judge of the zillah or city court, to be confined as prescribed by the Regulations in similar cases.

Collectors vested with authority to examine witnesses on oath, &c. in judicial form.

Rule with regard to witnesses refusing to take the oath.

Second. Any person giving intentionally and deliberately a false deposition on oath, or under a solemn declaration taken instead of an oath, relative to any proceeding depending before a collector or other officer exercising the power of collector, under this Regulation, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall be liable to the penalties prescribed for that offence in the Regulations; and any person causing or procuring another person to commit the offence of perjury, as above described, is declared guilty of subornation of perjury, and punishable under the provisions of the said Regulations.

Penalties for perjury and subornation of perjury in the existing Regulations applicable to such witnesses.

Third. Persons resisting any process issued by the collector, or other officer exercising the power of collector, in any case depending before him under this Regulation, shall, in addition to the penalty prescribed in Section XIV. be liable to the penalties prescribed for cases of resistance to the process of a collector in Regulation XIV. 1793, Regulation VI. 1795, and Regulation XXVII. 1803, under the provisions therein specified.

Penalties for resistance of process.

XX.

Collector how to proceed on the completion of the enquiry.

XX. Having closed his proceedings, the collector shall record his opinion in a Persian roobakarry, detailing the grounds on which it is founded, and whether the lands appear liable to assessment or otherwise, and shall forward his proceedings to the Board of Revenue, or other authority exercising the powers of that Board, in such mode as may be directed by that authority, furnishing the party at the same time with a copy on plain paper of the final roobakarry aforesaid, and reporting his having done so to the Board, or other authority aforesaid.

Boards how to act on the receipt of the collector's proceedings.

XXI. *First.* The Board of Revenue, or other authority aforesaid, after calling for any further evidence which, on a consideration of the collector's proceedings they may deem wanting, shall, on a day to be fixed by a public notice affixed in the office, not being less than six weeks from the date on which the collector may have furnished the party with a copy of his final roobakarry, and after hearing any thing which the party, if in attendance, may wish to urge in his own behalf, proceed to pass judgment in the case, and shall record their opinion in a Persian roobakarry, delivering a copy thereof to the party, on his requisition to that effect.

Final roobakarries what to contain.

Second. The final roobakarries, which the collectors and the Boards are by the provisions of this Section directed to record, shall contain a distinct statement of the subject matter of the case, the grounds on which the decision may be given, the names of the witnesses whose depositions may have been taken, and the title of every exhibit read.

In what cases the decision of the Board to be final.

Third. If the Board of Revenue or other authority aforesaid, pronounce against the assessment, the proceedings shall be considered final, except on proof in a court of judicature of fraud or collusion in the previous enquiry.

Fourth.

Fourth. In the event of the Board's declaring the lands liable to assessment, the collector shall inform the party or his vakeel of the decision of the Board, and shall proceed to ascertain the limits of the land, and shall fix an assessment on the principles of the general regulations on such information as may be procurable.

If the land be declared liable to assessment, the collector to form the assessment.

XXII. *First.* If the party shall within a fortnight of his receiving intimation of the Board's decision, tender to the collector responsible security, for the payment, from that date, of the jumma which may eventually be fixed on the land, with interest at the rate of twelve per cent. and shall engage to institute a suit in the court in which the case may be cognizable within ten days commencing from the date of the deed of security, or (if the court shall be shut, and shall not be opened until after the expiration of such ten days) within three days, calculating from the day on which it may be opened, to try the justness of the demand, the Collector shall leave the party in possession as before, reporting the circumstance for the information of the Board; Provided however, that in such cases the party shall produce all his accounts of collections for the information of the collector, in estimating the amount of the security to be required.

Under what circumstances the party may be left in possession of the land.

Proviso.

Second. If the party be willing to give security for a portion only of the jumma eventually assessable on the land, it shall be competent to him to do so on the conditions above specified. In this case, the collector shall, under the orders of the Board, either hold the lands khas or farm them, for such period as the Board may direct, and shall pay to the party a portion of the collections proportionate to the amount for which he may be willing and able to give responsible security.

Collector how to proceed if the party do not furnish full security.

Third. It shall be competent to the court to direct the collector

The court may determine on the sufficiency of the security tendered.

lector to take the security offered by the party if he shall refuse to do so, and the court shall be satisfied that it is sufficient; but it shall rest with the collector, subject to the directions of the Board, to fix the amount for which the surety is to be held bound.

Amount of security how to be regulated.

Fourth. The amount shall not, in the first instance, exceed the estimated annual revenue assessable on the lands, or the amount receivable by the party in one year, with interest; but if at the expiration of one year from the date on which the party may receive intimation of the Board's decision, the suit shall still be pending, it shall be competent to the collector to require additional security for the same amount.

Ditto with regard to mocurrerees.

Fifth. In mocurrerees the parties giving security, and intending to sue, shall continue to pay the mocurreree jumma, and will be required to give security for the remaining revenue, which may be eventually demandable from them.

In what case the collectors authorized to proceed to a final assessment.

XXIII. If the party do not give security, or having given security neglect to sue, the collector shall proceed to the final assessment of the land.

Limitation of time for the institution of suits in civil courts.

XXIV. *First.* Persons whose lands may be assessed, either in failure to give security, or to institute a suit within the prescribed time, shall nevertheless be entitled to sue any time, within one year from the date of their being informed of the Board's decision, but after the above period shall have elapsed, the decision of the Board shall be final and conclusive; Provided, however, that in cases in which the party may be able to shew good and sufficient cause for not having sued within the said period, such as minority or absence, no limitation as to time shall prevail other than that generally prescribed by the existing Regulations in regard to private claims.

Proviso.

Second.

Second. Provided also, that in cases in which the Board of Revenue, or other authority exercising the powers of that Board, may have directed the resumption of lands held free of assessment under the powers vested in them by Regulation VIII. 1811, Regulation V. 1813, and Regulations XI. and XXIII. 1817, if the parties whose lands have been assessed shall be able to shew good and sufficient cause for not having instituted a suit to try the merits of the Board's decision, within the period prescribed by those Regulations, they shall in like manner be subject only to such limitation in respect to time, as is prescribed generally in regard to private claims.

Further Proviso

XXV. If the net annual produce of the land proposed to be assessed shall, after deducting five per cent, for charges of management and 1-11th of the remainder as the allowance for malikana, together with the amount of any revenue for which the party may already be liable (as in the case of lands held under a mocurrerce tenure) shall not exceed the sum of Rupees five hundred, the suit to be instituted under the provisions of the foregoing Section, shall be in the first instance heard and determined in the zillah court within the jurisdiction of which the lands in question may be situated. If the net annual produce calculated as above shall exceed the aforesaid sum of Rupees five hundred, the suit shall in the first instance be heard and determined in the provincial court.

In what courts, suits under this Regulation are to be instituted.

XXVI. *First.* In cases instituted in the zillah court (which shall be determined by the judge and shall not be referrible to the register) a special appeal only shall lie to the provincial court, and in like manner in cases decided in the first instance by the provincial court, an appeal shall be received by the court of Sudder Dewanny Adawlut, on special grounds only: provided, however, that the above restrictions shall not apply to cases in which the amount in contest shall exceed the sum of

Suits instituted in the zillah courts to be tried by the judge, subject to one special appeal to the provincial court.

Suits decided in the first instance in the provincial court, subject to a special appeal to the Sudder Dewanny Adawlut.

Proviso.

five

five thousand pounds sterling, in which a regular appeal shall lie to the court of Sudder Dewânny Adawlut.

Provisions of Section II. Regulation XXVI, 1814 not applicable to such appeals.

Second. Provided also, that the provisions contained in Section II. Regulation XXVI. of 1814, shall not be applicable to such appeals, but the Sudder Dewanny Adawlut, or provincial court in all cases of special appeal being preferred in conformity with the provisions of this Regulation, shall, together with the decree against which such appeal may be lodged, likewise peruse the final roobakarry filed in the case by the Board of Revenue, or other authority exercising the powers of that Board; and if on a consideration of those documents, the decision of the court should appear unjust or erroneous, or doubtful, or its proceedings in the case manifestly irregular or imperfect, or if from the nature of the cause, as stated in the decree, or otherwise, it shall appear to them of sufficient importance to merit a further investigation in appeal, they shall admit a special appeal.

Provision regarding stampt paper and fees on such suits.

XXVII. In cases in which parties whose lands the revenue authorities may adjudge liable to assessment, shall bring a suit to contest the decision, in the manner prescribed in Section XXII. of this Regulation, the petition of plaint shall be received on stampt paper of the value of one Rupee: Provided however, that if the suit be decided in favor of Government, the plaintiff shall be answerable for the amount of the stampt duty which he would have had to pay under the ordinary rules regarding civil suits, in lieu of the institution fee, unless the court shall decide that there was a fair ground for contesting the decision of the Board.

Validity of firmaunds, sunnuds or grants to be carefully ascertained.

XXVIII. *First.* On the production of any written document purporting to be a firmaun of any king of Delhi, or to be a sunnud, purwanna, or other grant, of any vizier, or of any nawaub,

waub, raja, or other potentate or person formerly exercising authority in any part of the provinces, and territories now subject to the British Government, it shall be the duty of the revenue and judicial authorities before whom such document may be produced, to ascertain the validity and authenticity of it, by reference to such offices and records, and by the examination of such living witnesses as may be likely to lead to the due appreciation thereof—And the said authorities shall not receive such document in evidence merely on the credit of the seal, or other attestations impressed upon it, without some external evidence in corroboration of its authenticity.

Second. Provided also that no document of the above description, which may be produced to any court or adawlut, shall be received, nor any proceedings held thereon, nor any faith given thereto, unless it shall be proved that the said document has been duly registered under the rules and requisitions of Regulations XIX. and XXXVII. 1793, XLI. and XLII. 1795, VIII. 1800, XXXI. and XXXVI. 1803, and VII. 1808, or unless due cause be shewn for the non-registry.

Such deeds not to be received unless duly registered.

XXIX. Whenever a collector or other officer exercising the powers of collector shall have reason to suspect the validity of the original tenure under which any land subsequently commuted for a money pension, of the description noticed in Regulation XXIV. 1803 and Regulation VI. 1817, was held, it shall be competent to him, with the previous sanction of the Board of Revenue or other authority exercising the powers of that Board, to proceed in the investigation of the tenure under which such land was held, in the same manner as collectors are authorized by this Regulation to proceed in regard to the tenure of lands now held free of assessment; and if the Board shall be of opinion that the tenure was invalid, it shall

The general provisions of this Regulation applicable to cases in which the collector may suspect the validity of original tenures of land, subsequently commuted for the money pensions noticed in Regulation XXIV. 1803 and Regulation VI. 1817.

shall be competent to them to resume the money pension granted in consideration thereof, subject to an appeal to the courts of judicature, in the manner prescribed by this Regulation, in cases in which the Board may direct the assessment of land held free of assessment: Provided, however, that it shall not be competent to the revenue authorities to resume any money pension of the above description, of which the incumbent may have been in the enjoyment under orders of the Governor General in Council for a period of twelve years or more.

Proviso

Certain suits instituted in the civil courts to be referred to the collectors, and parties hereby authorized to prefer certain claims in the first instance to the collectors

XXX. *First.* All suits preferred in a court of judicature by proprietors, farmers or talookdars to the revenue of any land held free of assessment, as well as all suits so preferred by individuals claiming to hold lands exempt from revenue, shall, immediately on their institution, be referred for investigation to the collector or other officer exercising the powers of collector: Provided also, that proprietors, farmers or talookdars, who may deem themselves entitled to the revenue of any land held free of assessment in their respective estates, talooks or farms, or individuals claiming as aforesaid to hold lands free of assessment shall be at liberty to prefer their claims in the first instance to the collector. Provided further, that the party so preferring his claim directly to the collector, shall, in his petition to the collector, state the particulars of his claim, and the grounds on which it is founded, in like manner as if the suit were instituted in a court of judicature; and the petition shall be written on stampt paper of the value prescribed for petitions of plaint in suits instituted in those courts.

Proviso in the latter cases.

Collector how to proceed when such suits are referred to him or instituted before him.

Second. On receiving a petition of the above nature from any proprietor, farmer or talookdar, claiming the revenue of any land held free of assessment in their respective estates, or on a reference being, in such case, made from a court of judicature, the

collector

collector shall serve on the defendant a written notice, containing a short statement of the demand, and requiring the defendant to attend in person, or by vakeel, within the period of one month, and to produce all sunnuds or other documents in virtue of which he may possess the lands, and under which they may have been, or may be claimed to be held free of assessment.

Third. When the defendant shall appear and deliver up his title deeds, the collector after allowing the claimant to inspect and examine them, shall call upon him to deliver, within the period of seven days, a full statement of the grounds on which, with reference to the documents, he may consider the tenure of the defendant invalid, and the lands liable to assessment, with all documents on which his claim to the revenue of them may be founded.

Continuation of the same subject.

Fourth. When the claimant shall have delivered in the said statement and documents, the collector shall proceed to investigate the case, and to record his final judgment on it, in the same manner and with the same powers as in cases in which he may himself propose to assess lands on account of Government.

Ditto Ditto.

Fifth. The parties shall respectively be subject to the same rules in regard to the use of stampt paper, on summoning witnesses and filing exhibits, as are prescribed for suits instituted in the zillah or city courts.

Parties subject to the same rules regarding stampt paper as in regular suits.

Sixth. In cases in which Government may not be itself a party, and in which the suit may have been originally instituted in a court of judicature, the collector, on closing his proceedings, shall transmit them, with all documents therein referred to, to the Court by which the reference may have been made, recording his sentiments on the case as prescribed in Sections XX. and XXI. of this

The collector's proceedings on suits referred to him to be returned to the court with his sentiments.

The Court will then decide the case.

this Regulation, and the court shall proceed to decide the case, after calling for such further evidence as may appear necessary. Provided, however, that no sunnuds, accounts or other documentary evidence of any kind, which may not have been produced before the collector, and for not producing which the party may not have assigned a sufficient cause, shall be received by the court.

If the claim shall have been preferred in the first instance to the collector the parties may appeal to the zillah court.

Seventh. In cases of the above description, which may have been preferred directly to the collector, if either of the parties shall be dissatisfied with the decision passed by that officer, he shall be at liberty to appeal to the zillah or city court by a petition written on stampt paper of the value of one Rupee: Provided, however, that no such appeal shall be received, unless preferred within the period of three months from the date of the collector's decision, or on good and sufficient cause being shewn for a further delay.

Judge will then decide.

Eighth. The judge on receiving such Petition shall require the collector to transmit all the proceedings held by him in the case with the documents therein referred to, and shall proceed to investigate and decide on the case in like manner as if it had been originally instituted in the court, and referred by it to the collector.

In what case the proceedings to be submitted by the collector to the Board of Revenue.

Ninth. In all cases in which Government may be the defendant, or in which the revenue of the lands claimed may form part of an estate liable to a variable assessment, the collector shall, on closing his proceedings, submit them to the Board of Revenue, or other authority exercising the powers of that Board, for their decision. In such cases, if the suit shall have been referred by a court of judicature, the collector shall postpone the transmission of his return to the reference, until he shall receive the orders of the Board, or other authority aforesaid, and if the claim shall have been

originally

originally preferred to the collector, the courts of judicature shall not interfere until the decision of the Board shall have been passed: Provided, however, that in all such cases the decision of the Board shall be recorded in a Persian roobakarry, and transmitted to the collector in that form for the information of the parties—Provided further, that in cases in which the claim may have been originally preferred to the collector, the party, if dissatisfied with the decision of the Board, shall be at liberty to appeal to the court by which the case may be cognizable, any time within the period of three months from the date on which the Board's decision may have been communicated to such party or to his vakeel, or in their absence, from the date on which the roobakaree containing the Board's decision may have been brought on the collector's record of the case.

Decision of the Board how to be communicated.

Parties dissatisfied, at liberty to appeal to the proper civil courts, within specific periods.

Tenth. If the party shall not apply to the Court within the said period, and shall fail to shew good and sufficient cause for the delay, the decision of the revenue authorities shall be final, and shall, on application of the party in whose favor it may have been passed, be carried into effect by the courts of judicature, in the manner in which the decrees of Courts are executed.

If no such appeal be preferred, the decision to be final.

And to be executed by the courts.

Eleventh. Provided also, that in cases in which the right of resuming the revenue of lands held free of assessment, or of recovering possession under such a tenure of lands which may have been subjected to assessment, shall have been adjudged by the revenue authorities, the Courts shall in like manner carry the decision of the said authorities into immediate effect, notwithstanding the admission of an appeal therefrom, unless the party so applying shall give good and sufficient security for the payment of the mesne profits accruing from the lands under dispute.

Proviso.

Twelfth. In cases of the above description, which may be decided

A special appeal only to lie from the decision of the Civil Court.

cided by the courts of judicature, in appeal from the decision of the revenue authorities, whether the claim be preferred in the first instance to the court, or collector, a special appeal only shall be admitted by the superior court, excepting always, cases which from their amount may be appealable to the King in Council—Provided also, that the rules contained in Section XXVI. of this Regulation shall be applied to all appeals of the above nature.

Declaration that this Regulation shall not be considered to effect the right of proprietors to waste lands which were guaranteed to them at the permanent settlement.

XXXI. *First.* Nothing in the present Regulation shall be considered to affect the right of the proprietors of estates, for which a permanent settlement has been concluded, to the full benefit of all waste lands included within the ascertained boundaries of such estates respectively, at the period of the decennial settlement, and which have since been or may hereafter be reduced to cultivation. The exclusive advantages resulting from the improvement of all such lands were guaranteed to the proprietors by the conditions of that settlement, and it being left to the courts of judicature to decide on all contested cases, whether lands assessed under the provisions of this Regulation were included at the period of the decennial settlement within the limits of estates for which a settlement has been concluded in perpetuity, and to reverse the decision of the revenue authorities in any case in which it shall appear that lands which actually formed at the period in question a component part of such an estate, have been unjustly subjected to assessment under the provisions of this Regulation, the zemindars, and other proprietors of land will be enabled by an application to the courts to obtain immediate redress in any case in which the revenue authorities shall violate, or encroach on the rights secured to them by the permanent settlement.

Nor to warrant the claim of additional revenue from lands

Second. It is further hereby declared and enacted, that all claims by the revenue authorities on behalf of Government to additional

ditional revenue from lands, which were at the period of the decennial settlement included within the limits of estates for which a permanent settlement has been concluded, whether on the plea of error or fraud, or on any pretext whatever,—saving of course the case of lands expressly excluded from the operation of the settlement, such as lakheraj and thannadarry lands, shall be, and be considered wholly illegal and invalid.

permanently assessed on the plea of error or fraud.

Exception.

A. D. 1819. REGULATION IV.

A REGULATION *for the appointment of a Board for the Superintendence of the Revenue derived from Customs, Town Duties, Salt and Opium :—Passed by the Governor General in Council on the 22d April* 1819 *; corresponding with the* 11*th Bysack* 1226 *Bengal era ; the* 12*th Bysack* 1226 *Fusly ; the* 12*th Bysack* 1226 *Willaity ; the* 13*th Bysack* 1876 *Sumbut ; and the* 26*th Jumadee us Sanee* 1234 *Higeree.*

Preamble.

WHEREAS it is desirable that the Board of Revenue should be enabled to devote their attention exclusively to the important arrangements now in progress in the interior of the country, and especially that they should from time to time personally visit the districts under their control; and whereas it appears necessary for that purpose, to relieve the said Board from the superintendence and control of the Department of Customs and Town Duties; and whereas with a view to the improvement of these branches of the public revenue, and to the promotion

promotion of the interests and convenience of the community, it further appears expedient to vest the superintendence of the several custom houses in the province of Bengal in a distinct Board, which shall sit daily (Sundays and Holidays excepted) for the transaction of public business connected with the said custom houses, and shall perform such other duties relating to the commercial concerns of the country, and the perception of the revenue derivable therefrom, as Government shall from time to time direct; and whereas it likewise appears expedient to unite under one authority of control, the departments of customs, salt and opium, and it is also desirable otherwise to modify the constitution of the several Boards entrusted with the superintendence of the territorial revenues of this Presidency,—the following rules have been enacted, to be in force from the first of May next ensuing.

Rules rescinded.

II. *First.* So much of the rules contained in Regulations IX. and X. 1810, and in any subsequent Regulations as renders the collectors of government customs and town duties within the province of Bengal, and the officers subordinate to them subject to the authority of the Board of Revenue, and vests that Board with the several powers and duties relating to those branches of the public revenue, specified in the Regulations aforesaid, is hereby rescinded and annulled.

Further rules rescinded.

Second. In like manner so much of the Regulations in force as renders the salt and opium agents, superintendents of salt chokies, and the officers subordinate to them, subject to the Board of Trade, and vests that Board with the several powers and duties specified in the said Regulations, is hereby rescinded and annulled.

Board established; to be denominated the Board of Reve-

III. *First.* A Board shall be constituted, consisting of such number

number of members as the Governor General in Council may from time to time determine, for the superintendence of the several branches of the public revenue above-mentioned, to be denominated the Board of Revenue in the Customs, Salt and Opium Departments.

nue in the Customs, Salt and Opium Departments.

Second. The Board aforesaid is hereby vested with all the duties, powers, and authority heretofore legally possessed and exercised by the Board of Revenue with respect to customs and town duties.

The Board vested with what powers in regard to customs and town duties.

Third. The aforesaid Board are likewise hereby vested with all the powers, duties, and authority heretofore legally possessed and exercised by the Board of Trade in the Salt and Opium Departments.

Ditto in regard to Salt and Opium.

Fourth. The Members of the said Board, and the several officers attached to it, being covenanted servants of the Company, shall, previous to entering upon the execution of the duties of their respective offices, severally take the oath prescribed by Act of Parliament for servants of the Company employed in the management and collection of the revenue, before the Governor General in Council, or such person as he may appoint.

Oaths to be taken by the members of the Board, and by the covenanted servants of the Company attached to it.

Fifth. It shall be competent to the Governor General in Council to authorize a single member of the said Board to exercise, either generally or locally, all the duties, power and authority which are vested as aforesaid in the Board collectively, whenever circumstances may render such an arrangement advisable. It shall further be competent to the Governor General in Council to authorize the several members of the said Board, separately, to exercise at the same time and within the same limits, or within distinct limits, such part of the said duties, power and authority, as it may be

The Governor General in Council may empower one member to exercise the functions and authority vested in the Board collectively; or may authorize each member to exercise those powers in different departments at the same time.

be judged proper to assign to each respectively, whenever for the greater dispatch of business or other cause, it may appear advisable to divide the business of the Board, or to assign any special charge to any member separately.

A. D. 1819. REGULATION V.

A REGULATION *for modifying certain parts of the rules in force, in regard to the conduct of the business of the Mints subordinate to this Presidency*:—PASSED *by the Governor General in Council on the 25th June, 1819; corresponding with the 12th Assaur 1226 Bengal Era; the 17th Assaur 1226 Fusly; the 13th Assaur 1226 Willaity; the 3d Assaur 1876 Sumbut, and the 1st Ramzan 1234 Higeree.*

Preamble.

BY Regulation II. 1812, and Regulation XIV. 1818, fixed periods are prescribed for the payment of certificates, granted to individuals in exchange for bullion or coin, delivered into the Mints of Calcutta, Benares and Furruckabad: but the importations of bullion may at times be so heavy, as to preclude the possibility of coining it, as tendered for that purpose, within the fixed period; while the exigencies of the state may render it inconvenient to provide for the payment of mint certificates, before the bullion for which they are granted, can be coined:—It has become expedient therefore to rescind the said.

said rules, and to reserve to Government the power of fixing from time to time, by public notice, the periods within which the certificates aforesaid shall be payable.—It further appears expedient to reserve to the Governor General in Council the power of altering, in like manner, the form and inscription of the coins to be struck at the said mints;—provided always, that no diminution be made with regard to the quantity of pure bullion, purported to be contained in each piece of coin respectively.—It has likewise been deemed proper to fix the duty to be levied on the coinage of gold bullion and coin, at the same rate as has been established for silver:—The following rules have accordingly been enacted, to be in force from the present date, within the provinces immediately dependant on the presidency of Fort William.

Rescinding certain rules of former Regulations which prescribe that certificates granted at the different mints for bullion or coin should be payable within the periods therein specified.

II. So much of Clause Fourth, Section VIII. and Section XXXI. Regulation II. 1812, and Clause Fifth, Section III. Regulation XIV. 1818, as prescribes that the mint certificates granted at the mints of Furruckabad, Benares and Calcutta, for bullion or coin, delivered into those mints, shall be payable within the periods therein severally specified,—is hereby rescinded and annulled.

The Governor General in Council will determine the periods for which such certificates should run, and such determination to be made public.

III. The Governor General in Council will from time to time determine the periods for which the certificates aforesaid shall run; such determination to be made public by advertisement in the Government Gazette, and by a notice to be affixed in a conspicuous part of the mint to which the order may refer.

The Governor General in Council reserves to himself the power of altering the form and inscription of coins.

IV. The Governor General in Council further reserves to himself the power of altering, in like manner, the form and inscription of the coins struck at the said mints.

Modifying former rules and enacting

V. In modification of the rules contained in Section V. Regulation

Regulation II. 1812, and Section V. Regulation XIV. 1818, it is hereby enacted, that from and after the promulgation of this Regulation, a duty of two per Cent. only shall be deducted from the produce of gold bullion or coin which may be brought for coinage to the Calcutta mint, in lieu of the duty specified in Table 2 annexed to the last mentioned Regulation.

that a duty of two per cent only be deducted from the produce of gold bullion or coin brought for coinage to the Calcutta mint.

A. D. 1819. REGULATION VI.

A REGULATION *for rescinding Regulation* XIX. 1816, *and for enacting other provisions in lieu thereof:*—PASSED *by the Governor General in Council on the* 25*th June* 1819, *corresponding with the* 12*th Assaur* 1226 *Bengal era; the* 17*th Assaur* 1226 *Fusly; the* 13*th Assaur* 1226 *Willaity; the* 3*d Assaur* 1876 *Sumbut; and the* 1*st Rumzan* 1234 *Higeree.*

Preamble.

WHEREAS the rules contained in Regulation XIX. 1816, entitled a regulation for the better management of ferries, &c. have not in their general operation been attended with the advantages contemplated by Government in enacting them; and whereas it has been judged expedient to restrict the interference of the officers of Government in regard to ferries, to objects connected with the maintenance of an efficient police, the safety and convenience of travellers, and the facility of commercial intercourse; and whereas it will in consequence be expedient to place such ferries under the exclusive charge of the magistrates and joint magistrates; the following rules have been enacted, to be in force throughout the provinces subject to the Presidency of Fort William.

II.

Regulation XIX. 1816, rescinded.

II. *First* The provisions of Regulation XIX. 1816, shall be rescinded, and shall cease to have effect from the following dates; viz.

In those districts in which the Bengal era is current, from the date of the promulgation of this Regulation.

In those districts in which the Willaitee era is current, from the commencement of the ensuing Willaitee year 1227.

In those districts in which the Fuslee era is current, from the commencement of the ensuing Fuslee year 1227.

Superintendence of the public ferries vested in the magistrates and joint magistrates.

Second. From the several dates above specified, the collectors of revenue will refrain from exercising any interference with the public ferries, the immediate superintendance of which shall be vested in the magistrates and joint magistrates.

Description of ferries which are to be considered public ferries.

III. *First.* No ferries shall be hereafter considered public ferries, except such as may be situated at or near the sudder stations of the several magistrates or joint magistrates, or such as may intersect the chief military routes, or other much frequented roads, or such as from special considerations it may appear advisable to place under the more immediate management of the magistrates and joint magistrates.

Magistrates and joint magistrates interdicted from assuming the charge of unassessed ferries, unless specially authorized.

Second. The Government reserves to itself the power of determining from time to time what ferries shall under the preceding rule, be deemed public ferries, and as such, shall be subject to the immediate controul of the magistrates and joint magistrates; and no magistrate or joint magistrate shall, without previous authority from Government, assume the management of any ferry which may not have been let in farm or held khas, or otherwise subjected to assessment by the collectors, under the provisions of Regulation XIX. 1816.

Third.

Third. It will be the duty of the several magistrates and joint magistrates to prepare lists of the ferries which in their judgment should under the foregoing rules, be considered to be public ferries, and transmit them as soon as prepared, through the superintendents of police, for the information and orders of Government.

Lists of proposed ferries to be submitted to Government, through the superintendents of police.

IV. *First.* The power of appointing proper persons to the charge of the public ferries is vested in the magistrates and joint magistrates, who are authorized, from time to time, to issue such orders as they may judge expedient, for limiting the rates of toll to be levied at each ferry, for regulating the number and description of boats to be maintained, for preventing exactions, and generally for promoting the efficiency of the police, and the safety and convenience of the community.

Magistrates and joint magistrates empowered to appoint persons to the charge of ferries, and to regulate the rates of toll, number of boats, &c.

Second. On proof of any wilful breach of those rules, or of other misconduct on the part of the manjees or other persons in charge of the public ferries, the magistrates and joint magistrates are empowered (independently of any punishment, to which the parties may subject themselves under the general Regulations,) to remove such individuals and to appoint others in their room.

In what cases manjees or others in charge of public ferries may be removed from their situations.

Third. The manjees or other persons who may be vested with the charge of public ferries, are to engage to cross free of toll the troops of Government, with their baggage and military stores, as well as all police and other native officers of Government who may be actually employed on the public service.

Specification of persons to be exempted from toll.

V. A list of all public ferries, bearing the signature of the magistrate or joint magistrate, shall be constantly stuck up in some conspicuous place in their cutcherries, and in that of the collector of the district, and likewise in the thannah within the jurisdiction of which they may be situated.

Attested lists of public ferries to be stuck up in the magistrates' and collectors' cutcherries, and in the thannah.

VI.

The exclusive right to public ferries declared to belong to Government, and all private ferries in their vicinity prohibited.

Proviso, in cases of compensation claimed for loss sustained.

VI. *First.* Such ferries shall exclusively belong to Government, and no person shall be allowed to employ a ferry boat plying for hire at or in their immediate vicinity, without the previous sanction of the magistrate or joint magistrate:—provided however, that due attention shall be paid to all claims for compensation which may be preferred by individuals, for any loss which may be sustained by them, in consequence of the extension of the authority of Government to ferries hitherto under their private management, and which may not have been heretofore let in farm or held khas, or otherwise deemed subject to assessment on account of Government.

Such cases to be investigated and reported to Government.

Second. Claims of that nature shall be enquired into by the magistrates and joint magistrates, and their opinion on the merits of each case, shall be reported through the channel of the superintendents of police, for the consideration and orders of Government.

Specification of objects to which the magistrates and joint magistrates are to attend, in assuming charge of the public ferries.

VII. *First.* In assuming the management of public ferries, the general objects of the magistrates and joint magistrates shall be, the maintenance of an efficient police, the safety and convenience of travellers, the facility of commercial intercourse, and the expeditious transport of troops. For the above objects, they shall be careful to provide or cause to be provided safe and commodious boats; they shall fix the rates of toll on a very moderate scale, in no case exceeding, without an indispensible necessity, the rates which prevailed previous to the enactment of Regulation XIX. 1816; they shall adjust the modes of payment so that the tolls may bear as lightly as possible on the poorer classes of the community, and by leaving a fair profit to the individual who may be chosen for the immediate charge of the ferries, they shall endeavour to secure as far as possible, the services of respectable and competent persons.

Second.

Second. No collections shall be taken on account of Government, from the proceeds of any ferry, until the above objects are fully secured; and if in any case there shall remain a clear surplus profit, after providing adequately for those purposes, the amount collected shall be applied solely to the furtherance of similar objects, such as the repair or construction of roads, bridges and drains, the erection of suraees, or other works of a like nature.

No collections to be made on account of Government, until the objects specified in the preceding clause have been attained.

Surplus collections how to be appropriated.

Third. In cases of the latter description, viz. those in which the receipts of any ferry shall be sufficient to afford a surplus revenue as above mentioned, the magistrate or joint magistrate, having previously received special authority from Government in that behalf, may and shall require the person holding or applying for the charge of the ferry, to enter into an engagement for the payment, by monthly or quarterly instalments, of such a sum of money as with reference to the estimated surplus, may appear justly demandable, without risking the primary objects above indicated; and if any person in charge of a ferry shall refuse to enter into an engagement as aforesaid, and shall not assign sufficient cause for such refusal to the satisfaction of the magistrate or joint magistrate, it shall be competent to such officer, to transfer the charge of the ferry to any other respectable and competent person:—provided however that no person in charge of a ferry who shall otherwise conduct himself to the magistrate's satisfaction, shall be removed from his charge under the above rule, excepting at the expiration of the Bengal or Fusly year, according to the era current in the province.

Rule of proceeding in cases where a public ferry shall yield a surplus revenue.

Persons in such cases to enter into an engagement for the payment of instalments.

How the magistrate or joint magistrate is to proceed when the person shall refuse to enter into such an engagement.

Fourth. The mode in which collections made under this Section shall be paid, whether into the treasury of the magistrate or collector, or any other public officer, shall be determined by the orders of Government, and adjusted with the party by the magistrate or joint magistrate, at the time of giving him charge of the

The mode of paying the collections realized under this Section, to be adjusted under the orders of Government.

Proviso.

the ferry or ferries entrusted to him :—provided however that as a general rule, all persons in charge of ferries subject to the payment of a rent, shall, on discharging any instalments, receive and be directed to require receipts for the amount, which shall be countersigned by an European officer of Government.

Security for good behaviour to be given by persons in charge of public ferries, as well as for the punctual performance of engagements.

VIII. The magistrate or joint magistrate shall be competent to take security for the good behaviour of persons vested with the charge of public ferries, and in the case of persons who may, under the provisions of the foregoing Section, enter into an engagement for the payment of a yearly rent, it shall likewise be competent to the officers aforesaid to require adequate security for the punctual payment of the amount, as it may become due.

Persons to be allowed to relinquish the charge of ferries on giving ten days notice to the magistrate and on payment of arrears.

Proviso regarding the transfer of boats.

IX. Any person in charge of a public ferry, whether subject to the payment of rent or not, shall be at liberty to relinquish the charge on giving ten days notice to the magistrate or joint magistrate, and on paying any arrears that may be due :—provided however that it shall in such case be competent to the magistrates or joint magistrates to require any person who may so relinquish the charge of a ferry, or who may be removed from such charge, to transfer the boats belonging to the ferry, to the person who may be appointed to succeed him, at a fair valuation, or to retain the boats until others can be provided, making a suitable compensation to the owner.

How a magistrate or joint magistrate is to proceed for the recovery of the rent of a public ferry from a defaulter.

X. If any person having charge of a ferry, and subjected to the payment of a yearly rent, shall fail to discharge the amount as it may become due, he shall be liable to immediate removal, and the magistrate or joint magistrate, after ascertaining the arrear and certifying the default, will proceed to the recovery of the amount from the party and his surety, in the manner prescribed by Section VII. Regulation XVIII. 1817, for the recovery of

of public money embezzled by native officers of the civil and criminal Courts; giving at the same time a liberal consideration to any pleas which the party may urge in explanation of the default.

Persons on receiving charge of public ferries to be informed of the discretion reserved to the magistrate, for reducing tolls, or extending exemptions.

XI. All persons vested with the charge of public ferries, whether paying any rent or not, shall on accepting the situation, be distinctly apprized, that the magistrates and joint magistrates reserve to themselves the power of reducing the rates of toll, or extending the exemptions from the payment of it, at such times and in such manner as shall appear proper, with a view to the public good:—provided however, that in the event of any such measures being adopted, the party in charge of the ferry may relinquish the charge, and the magistrate shall, in such case, purchase from him at a fair valuation, or cause his successor so to purchase, all boats belonging to the ferry, with all articles thereunto appertaining.

Proviso, in case a person may wish to relinquish charge.

Further proviso in such cases.

XII. *First.* Provided also, that whenever a magistrate or joint magistrate shall adopt such measures in regard to any ferry for which a rent shall have been required from the person vested with the charge of it; the said magistrate or joint magistrate shall, in communicating his orders to the party aforesaid, at the same time apprize him, whether he designs to allow any and what reduction in the stipulated rent.

A person if unwilling to pay the fixed rent of a ferry, required first to carry the magistrate's orders into effect, and then to state the rent he may be willing to pay.

Second. If the person in charge of the ferry shall not be willing or able to pay the rent so fixed by the magistrate or joint magistrate, he shall nevertheless immediately carry the magistrate's or joint magistrate's order into effect, and shall state in his reply to those orders the amount of rent which he may be willing to continue to discharge. Should the offer of the party in charge of the ferry appear inadequate, it shall be competent to the magistrate or joint magistrate, to remove him and to place another person

Such person to be removed, should his offers be deemed inadequate, and all arrears to be required from him.

person in charge of the ferry, purchasing the boats and their appurtenances as aforesaid; but the person so removed, shall be required to pay, for the days during which he may retain charge, subsequently to the date of his reply to the magistrate's order, a proportionate rent, calculated at such rate only as he may have tendered.

Magistrates prohibited from interfering with any other than public ferries, except for purposes of police and for the safety of passengers.

XIII. *First.* The foregoing rules are intended to apply exclusively to those ferries which may be declared to be public ferries; with regard to all other ferries, the magistrates and joint magistrates shall not interfere with them, further than may be necessary for the general maintenance of the police, and for the safety of passengers and property.

Proviso, in cases where persons or property may suffer by boats being overloaded, or inadequately found.

Second. Provided however, that if any person shall be drowned or exposed to imminent danger, or if any property shall be lost or damaged by the oversetting or sinking of a ferry boat, and it shall be established on enquiry before the magistrate or joint magistrate, that the boat was overloaded with passengers, or property, or was insufficiently manned, or was out of repair at the time of the accident, the manjee of the ghaut or boat, if duly convicted of permitting his boat to be overloaded, or to be insufficiently manned, or out of repair, shall be liable to such punishment, as the magistrate or joint magistrate may think proper to impose, not exceeding imprisonment for six months, or a fine of two hundred rupees.

Punishment to which manjees or others are declared liable on conviction in such cases.

Annual statements of public ferries made up to the 1st January in each year, to be forwarded by the magistrates to Government, through the superintendents of police.

What such statements are to contain.

XIV. An annual statement made up to the 1st of January of each year, shall be forwarded by the several magistrates and joint magistrates to the superintendents of police, exhibiting the number of public ferries in each district, the amount of the net assessment realized from such of them as may be subject to assessment, and the purposes to which the amount so realized may have been appropriated under Clause Second, Section VII. of this

this Regulation. In submitting to Government the results of those statements, the superintendents of police will offer any suggestions which may appear to them calculated to facilitate or to improve the practical operation of the system.

A. D. 1819. REGULATION VII.

A REGULATION *for declaring certain misdemeanors punishable by the Magistrates; and for defining the punishment to be adjudged in such cases:*—PASSED *by the Governor General in Council on the* 9*th July* 1819, *corresponding with the* 26*th Assaur* 1226 *Bengal era; the* 2*d Sawun* 1226 *Fusly; the* 27*th Assaur* 1226 *Willaity; the* 2*d Sawun* 1876 *Sumbut; and the* 15*th Rumzan* 1234 *Higeree.*

Preamble.

IT has been represented to Government, that in some parts of the country, and especially in cities and large towns, the peace and happiness of families are often destroyed by evil disposed persons, chiefly women, who are employed to entice and take away the wives, or female children of the fixed inhabitants from their respective houses, for the purpose of rendering them prostitutes, or concubines; or of otherwise unlawfully disposing of them, to their serious detriment, and to the injury of their husbands and parents. It has also been stated that great distress to women and children is frequently occasioned by husbands and fathers deserting their families, and neglecting to provide for their support, although possessing the means of

of maintaining them; as well as from a similar neglect by the fathers of illegitimate offspring, in neither providing for the support of such offspring, or their mothers. The speedy cognizance and punishment of such misdemeanors by the zillah and city magistrates, and joint magistrates, subject to the regular controul of the courts of circuit, appear to be the most efficient means of preventing, or checking, the culpable practices above described. It is further judged expedient to empower the magistrates and joint magistrates to take cognizance of certain misdemeanors committed by workmen, and domestic servants, in cases not expressly provided for by any existing Regulation; at the same time maintaining the just claims of workmen and servants upon their respective employers. The Governor General in Council has accordingly enacted the following rules, to be in force as soon as promulgated throughout the provinces immediately subject to the presidency of Fort William.

Magistrates how to punish persons guilty of enticing or of causing to be enticed from their homes, married or unmarried females for illegal purposes.

II. If any person amenable to the jurisdiction of the zillah and city courts shall be convicted before a zillah or city magistrate, or joint magistrate, of the offence of enticing and taking away, or causing to be enticed and taken away, a married woman living under the protection of her husband, or of any person having the care of her in his behalf; or of enticing and taking away, or causing to be enticed and taken away, an unmarried female, under the age of maturity, viz. fifteen years, and living with her parents or other legal guardians, or any persons acting in their behalf; for the purpose of rendering such married woman, or unmarried female minor, a prostitute or concubine, or otherwise disposing of her in an unlawful manner, without the consent of the husband, parent, or other guardian, of the woman or minor thus disposed of; the person so convicted shall be liable to a sentence of fine and imprisonment, to such extent as may appear adequate to the circumstances of the case; and may not exceed

The sentence to be such as may appear adequate to the case, but the powers hereby vested in magistrates in no in-

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exceed the powers vested in the magistrates by Section XIX. Regulation IX. 1807; viz. imprisonment for six months; and a fine not exceeding two hundred rupees, commutable, if not paid, to a further period of imprisonment, not exceeding six months. If in any instance the offender shall appear to merit a more severe punishment, he shall be committed for trial before the Court of Circuit; and the provisions of Section VI. Regulation XVII. 1817, are hereby declared applicable to all such commitments.

stance to exceed those vested in them by Section XIX. Regulation IX, 1807.

If the crime appear to merit a severer punishment, magistrates in what manner to proceed.

III. Any person amenable to the jurisdiction of the zillah and city courts, who may possess the means of supporting his wife and children, and shall notwithstanding desert them and wilfully neglect to provide for their support, on proof thereof to the satisfaction of the magistrate, or joint magistrate, of the zillah or city in which the party so deserting and neglecting his family may reside, shall be required to provide for the maintenance of his family, in a suitable manner, according to his situation and circumstances in life; and on his failing so to do, shall be considered guilty of a misdemeanor, and be liable to imprisonment for a period not exceeding one month. He shall also be liable to a repetition of the sentence, upon any subsequent conviction of a similar misdemeanor, after having been required to provide for the support of his family: Provided, however, that nothing in this Section shall render a husband liable to punishment for not maintaining his wife, if it be clearly shewn, that the latter has forfeited all just claim to support from her husband, by living in adultery with another person, or by other acts implying wilful abandonment of his protection.

Persons convicted of deserting their wives and families, and of wilfully neglecting to support them to be required so to do by the magistrate, and on failure subject to what punishment.

Proviso.

IV. The above Section shall be held applicable to illegitimate, as well as to legitimate children; and may also be applied at the discretion of the magistrate, to secure a proper maintenance for the mothers of illegitimate offspring, whilst in a state of pregnancy, or having the care of an infant child.

What persons other than wives and legitimate children entitled to the benefit of the above Section.

V.

Workmen engaging for a stipulated term or contracting for the performance of work, and without sufficient cause quitting the service or work engaged for, are punishable by the Magistrates—in what manner.

V. All persons who may voluntarily engage to serve as workmen, of any description, for a stipulated term, or who may voluntarily contract for the performance of any specific work, and who without good and sufficient cause, shall wilfully quit the service so engaged for, before the expiration of the term agreed upon, or shall wilfully neglect to perform the work so contracted for, shall be deemed guilty of a misdemeanor; and on conviction before a magistrate, or joint magistrate, shall be liable to a sentence of imprisonment not exceeding one month. The magistrate or joint magistrate may likewise require the persons so convicted to complete their stipulated term of service, or to perform the work contracted for, if it appear just and proper to require the same; and any subsequent conviction of wilful neglect to comply with such requisition, shall be punishable by a further sentence of imprisonment, not exceeding two months.

To what other persons the provisions of the above Section applicable.

VI. *First.* The provisions of the foregoing Section are also declared applicable to domestic servants, who may engage to serve for any fixed term; or during the performance of any specific service, or though no such engagement have been entered into, may be employed from month to month; and without good and sufficient cause, shall wilfully quit the service of their employers before the expiration of the fixed term; or before the completion of the stipulated service; or with respect to monthly servants, without giving previous notice for a period not less than fifteen days.

Rule to controul discharge of servants of their masters in certain cases.

Second. In like manner no master, or other person, employing a servant for a fixed term, or for a specific service, or from month to month, shall be at liberty, without good and sufficient cause, to discharge such servant, against his will, before the expiration of the fixed term; or the completion of the specified service; or with respect to servants employed from month to month,

month, without giving previous warning of the intended discharge for a period of at least fifteen days, or paying his wages for that period.

Third. It shall be the duty of the magistrates and joint magistrates, on applications made to them upon the stampt paper prescribed in Section XVIII. Regulation I. 1814, (viz. bearing a stamp of eight annas,) to enforce the provisions of the above clause by causing payment to any servant who may be discharged in opposition thereto, of a sum equal to half a month's wages, in addition to any arrear of wages which may be due to him at the time of his discharge; or if the servant have been engaged for a fixed term, or for a specific service, by causing payment to be made to him of such sum as may appear fully adequate to any loss sustained by him from being discharged before the time agreed upon.

Magistrates to enforce the provisions of the above Clause, on application being made to them on the prescribed stampt paper, and in what manner.

Fourth. Provided however that no servant shall be entitled to recover more than his arrear of wages, when he may be discharged for any misconduct proved to the satisfaction of the magistrate or joint magistrate, and appearing sufficient to warrant his discharge. Nor shall any workman, or servant, be liable to punishment under the provisions of this Regulation, when it may be proved, to the satisfaction of the magistrate and joint magistrate, that his quitting the service of his employer, without previous notice, or before the expiration of a stipulated term, or without having completed the performance of any work contracted for, was occasioned by gross mal-treatment, or by non-payment of wages due, or by any other cause which may appear to the magistrate or joint magistrate, sufficient to justify or excuse the act complained of.

Proviso.

In what cases the provisions of this Regulation shall not be enforced against a workman or servant quitting his employer without previous notice, or before the expiration of a stipulated term, or without having completed the work contracted for.

VII. The whole of the sentences which may be passed by a magistrate, or joint magistrate, under any part of this Regulation, will of course be open to the regular controul of the court

All sentences passed by magistrates under any part of this Regulation, open to the controul of the courts of circuit.

court of circuit of the division, according to the general rules in force upon this subject.

Rec.d 30th Oct.r 1819
Rec.d

A. D. 1819. REGULATION VIII.

A REGULATION *to declare the validity of certain tenures, and to define the relative rights of Zemindars and Putnee Talookdars, also to establish a process for the sale of such Talooks in satisfaction of the Zemindar's demand of rent, and to explain and modify other parts of the system established for the collection of rents generally throughout Bengal:*—PASSED *by the Governor General in Council on the 3d September* 1819, *corresponding with the* 19*th Bhadoon* 1226 *Bengal era; the* 29*th Bhadoon* 1226 *Fusly; the* 20*th Bhadoon* 1227 *Willaity; the* 14*th Bhadoon* 1876 *Sumbut; and the* 12*th Zekaad* 1234 *Hijeree.*

Preamble.

BY the rules of the perpetual settlement, proprietors of estates paying revenue to Government, that is the individuals answerable to Government for the revenue then assessed on the different muhals, were declared to be entitled to make any arrangements for the leasing of their lands in talook or otherwise, that they might deem most conducive to their interests. By the rules of Regulation XLIV. 1793, however, all such arrangements

rangements were subjected to two limitations; first, that the jumma, or rent, should not be fixed for a period exceeding ten years; and secondly, that in case of a sale for Government arrears, such leases or arrangements should stand cancelled from the day of sale. The provisions of Section II. Regulation XLIV. 1793, by which the period of all fixed engagements for rent was limited to ten years, have been rescinded by Section II. Regulation V. 1812, and in Regulation XVIII. of the same year it is more distinctly declared, that zemindars are at liberty to grant talooks or other leases of their lands, fixing the rent in perpetuity at their discretion: subject however to the liability of being dissolved on sale of the grantor's estate for arrears of the Government revenue, in the same manner as heretofore.—In practice the grant of talooks and other leases at a rent fixed in perpetuity had been common with the zemindars of Bengal for some time before the passing of the two Regulations last mentioned; but, notwithstanding the abrogation of the rule which declared such arrangements null and void, and the abandonment of all intention or desire to have it enforced as a security to the Government revenue in the manner originally contemplated, it was omitted to declare in the rules of Regulations V. and XVIII. of 1812, or in any other Regulation, whether tenures at the time in existence and held under covenants or engagements entered into by the parties in violation of the rule of Section II. Regulation XLIV. 1793, should, if called in question, be deemed invalid and void as heretofore.—This point it has been deemed necessary to set at rest by a general declaration of the validity of any tenures that may be now in existence, notwithstanding that they may have been granted at a rent fixed in perpetuity, or for a longer term than ten years, while the rule fixing this limitation to the term of all such engagements, and declaring null and void any granted in contravention thereto, was in force. Furthermore, in the exercise of the privilege thus conceded to zemindars

zemindars under direct engagements with Government, there has been created a tenure which had its origin on the estates of the Rajah of Burdwan, but has since been extended to other zemindaries—the character of which tenure is, that it is a talook created by the zemindar, to be held at a rent fixed in perpetuity by the lessee and his heirs for ever: the tenant is called upon to furnish collateral security for the rent, and for his conduct generally, or he is excused from this obligation at the zemindar's discretion; but even if the original tenant be excused, still in case of sale for arrears or other operation leading to the introduction of another tenant, such new incumbent has always in practice been liable to be so called upon at the option of the zemindar: by the terms also of the engagements interchanged, it is amongst other stipulations provided, that in case of an arrear occurring, the tenure may be brought to sale by the zemindar, and if the sale do not yield a sufficient amount to make good the balance of rent at the time due, the remaining property of the defaulter shall be further answerable for the demand. These tenures have usually been denominated putnee talooks, and it has been a common practice of the holders of them to underlet on precisely similar terms to other persons, who on taking such leases went by the name of durputnee talookdars: these again sometimes similarly underlet to seputneedars, and the conditions of all the title deeds vary in nothing material from the original engagements executed by the first holder. In these engagements however it is not stipulated whether the sale thus reserved to himself by the grantor is for his own benefit, or for that of the tenant; that is, whether in case the proceeds of sale should exceed the zemindar's demand of rent, the tenant would be entitled to such excess; neither is the manner of sale specified, nor do the usages of the country nor the regulations of Government afford any distinct rules, by the application of which to the specific cases, the defects above alluded to could be supplied, or the points of doubt

doubt and difficulty involved in the omission be brought to determination in a consistent and uniform manner. The tenures in question have extended thro' several zillahs of Bengal, and the mischiefs which have arisen from the want of a consistent rule of action for the guidance of the courts of civil judicature in regard to them, have been productive of such confusion as to demand the interference of the legislature: It has accordingly been deemed necessary to regulate and define the nature of the property given and acquired on the creation of a putnee talook as above described, also to declare the legality of the practice of underletting in the manner in which it has been exercised by putneedars and others, establishing at the same time such provisions as have appeared calculated to protect the under-lessee from any collusion of his immediate superior with the zemindar, or other, for his ruin, as well as to secure the just rights of the zemindar on the sale of any tenure under the stipulations of the original engagements entered into with him.—It has further been deemed indispensible to fix the process by which the said tenures are to be brought to sale, and the form and manner of conducting such sale;—and whereas the estates of zemindars under engagements with Government are liable to be brought to sale at any time for an arrear in the revenue, payable by monthly kists to Government, it has seemed just to allow any zemindar who may have granted tenures with a stipulation of the right to sell for arrears, the opportunity of availing himself of this means of realizing his dues in the middle of the year, as well as at the close, instead of only at the end of the Bengal year, as heretofore allowed by the regulations in force;—it has further been deemed equitable to extend this rule to all cases in which the right of sale may have been reserved, even though in conformity with the regulations heretofore in force the stipulation for sale contained in the engagements interchanged may have restricted such sale to the case of a demand of rent remaining unpaid, at the

the close of the Bengal year. It has been likewise deemed advisable to explain and modify some of the existing rules for the collection of rents, with a view to render them more efficacious than at present, as well as to provide against sundry means of evasion now resorted to by defaulters. The following rules have accordingly been enacted by His Excellency the Most Noble the Governor General in Council, to take effect from the date of their promulgation throughout the several districts of the province of Bengal, including Midnapore.

Leases fixing rent in perpetuity, or for a longer term than ten years, declared valid, though executed while Section II. Regulation XLIV. 1793, was in force.

II. It is hereby declared that any leases or engagements for the fixing of rent now in existence, that may have been granted or concluded for a term of years, or in perpetuity, by a proprietor under engagements with Government, or other person competent to grant the same, shall be deemed good and valid tenures, according to the terms of the covenants or engagements interchanged, notwithstanding that the same may have been executed before the passing of Regulation V. 1812, and while the rule of Section II. Regulation XLIV. 1793, which limited the period for which it was lawful to grant such engagements to ten years, and declared all that might be entered into for a longer term to be null and void, was in full force and effect; and notwithstanding that the stipulations of the said leases may be in violation of the rule in question:—provided however that nothing herein contained shall be held to exempt any tenures held under engagements from proprietors of estates paying revenue to Government, from the liability to be cancelled on sale of the said estates for arrears of the said revenue, under the rule of Section V. Regulation XLIV. 1793, unless specially exempted from such liability by the rule in question, or by any other specific rule of the regulations in force.

Putnee tenures declared valid, transferable and answerable for debt.

III. *First.* The tenures known by the name of putnee talooks as described in the preamble to this Regulation, shall be deemed

deemed to be valid tenures in perpetuity, according to the terms of the engagements under which they are held. They are heritable by their conditions; and it is hereby further declared, that they are capable of being transferred by sale, gift or otherwise, at the discretion of the holder, as well as answerable for his personal debts, and subject to the process of the Courts of Judicature, in the same manner as other real property.

Putneedars' right of underletting, declared.

Second. Putnee talookdars are hereby declared to possess the right of letting out the lands composing their talooks in any manner they may deem most conducive to their interest, and any engagements so entered into by such talookdars with others shall be legal and binding between the parties to the same, their heirs, and assignees:—provided however, that no such engagements shall operate to the prejudice of the right of the zemindar to hold the superior tenure, answerable for any arrear of his rent, in the state in which he granted it, and free of all incumbrance, resulting from the act of his tenant.

Putnee tenures declared not voidable for arrears.

Third. In case of an arrear occurring upon any tenure of the description alluded to in the first Clause of this Section, it shall not be liable to be cancelled for the same, under the rule contained in the Seventh Clause of Section XV. Regulation VII. 1799, for leases conveying a limited interest in the land; but the tenure shall be brought to sale by public auction, and the holder of the tenure will be entitled to any excess in the proceeds of such sale, beyond the amount of the arrear of rent due;—subject however to the provisions contained in Section XVII. of this Regulation.

Inferior tenures held under similar title deeds will be deemed to confer a similar interest to that provided for putnee talooks in Section III.

IV. If the holder of a putnee talook shall have underlet in such manner as to have conveyed a similar interest to that enjoyed by himself, as explained in the preamble to this Regulation, the holder of such a tenure shall be deemed to have acquired all the rights and immunities declared in the preceding Section to attach to putnee talooks, in so far as concerns the

grantor

grantor of such under tenure. The same construction shall also hold in the case of putnee talooks of the third or fourth degree.

V. The right of alienation having been declared to vest in the holder of a putnee talook, it shall not be competent to the zemindar or other superior, to refuse to register, and otherwise to give effect to such alienations, by discharging the party transferring his interest from personal responsibility, and by accepting the engagements of the transferee. In conformity however with established usage, the zemindar or other superior shall be entitled to exact a fee upon every such alienation, and the rate of the said fee is hereby fixed at two per cent on the jumma or annual rent of the interest transferred, until the same shall amount to one hundred Rupees, which sum shall be the maximum of any fee to be exacted on this account. The zemindar shall also be entitled to demand substantial security from the transferee or purchaser, to the amount of half the jumma or yearly rent, payable to him from the tenure transferred; the condition of furnishing such security on requisition being understood to be one of the original liabilities of the tenure. The above rules shall apply equally to the case of a sale made in execution of a decree or judgment of Court, as to all other alienations, but it shall not apply to the case of sale for an arrear in the rent due to the zemindar or other superior, under the rules hereinafter contained. The purchaser at such a sale shall be entitled to have his name registered, and to obtain possession without fee, though of course liable to be called on to give security under the conditions of the tenure purchased.

Zemindar not entitled to refuse to give effect to a transfer.

But may demand his fee.

Fee fixed at two per cent. on the jumma.

But the maximum one hundred Rupees.

May also demand security,

As far as half the jumma.

Above rules to apply to sales in execution and all alienations.

But no fee on sale for arrears.

VI. It shall be competent to the zemindar or other superior to refuse the registry of any transfer, until the fee above stipulated be paid, and until substantial security to the amount specified be tendered and accepted:—provided however that if the security tendered by any purchaser or transferee, should not be approved by

Zemindar may refuse sanction to transfer, till fee and security be tendered.

Sufficiency of security, if contested, to be determined by appeal to Civil Courts.

by the zemindar, and the party tendering it shall be dissatisfied with such rejection, he shall be competent to appeal therefrom by petition or common motion in the Civil Court of the district, which authority, if satisfied of the sufficiency of the security tendered, shall issue an injunction on the zemindar to accept it, and give effect to the transfer without delay. It is hereby provided that the rules of this and of the preceding Section shall not be held to apply to transfers of any fractional portion of a putnee talook, nor to any alienation other than of the entire interest, for no apportionment of the zemindar's reserved rent can be allowed to stand good, unless made under his special sanction.

Upon public sale, if security be not tendered within one month, zemindar may attach.

VII. In case of the sale of a putnee tenure in execution of a judgment of Court, if the purchaser do not within the period of one month from the sale conform to the rules of Section V. of this Regulation, in order to obtain the transfer of his tenure by the superior to whom the rent fixed upon it is payable, the zemindar or other superior shall be entitled of his own authority to send a suzawul to attach and hold possession of the tenure, until the forms prescribed be observed. In case also of the sale of a putnee tenure for arrears of the rent due upon it, under the rules of this Regulation, if security be required by the zemindar and the purchaser fail to furnish the same within one month of the date of sale, the zemindar shall similarly be entitled to send a suzawul to attach and hold possession of the interest which may have passed on the sale, to the exclusion of the purchaser, until the prescribed security be given.

Attachment to have the effect of a trust

Attachments made under this Section shall be regarded as trusts for the benefit and at the risk of the purchasers; consequently after deducting the rent due and the expence of attaching, any surplus that may be yielded by the collections, shall be held in deposit for such purchaser: but if the collections for the time fall short of the rent, the tenure and person of the proprietor shall be liable in the same manner as if no attachment had been made

made, and the accounts produced by the zemindar or other superior making the attachment, shall be received as primâ facie evidence to warrant process for an arrear so accruing.

Zemindars to be allowed periodical sales of tenures, in which right to sell for arrears is reserved by stipulation.

VIII. *First.* Zemindars, that is, proprietors under direct engagements with the Government, shall be entitled to apply in the manner following for periodical sales of any tenures, upon which the right of selling or bringing to sale for an arrear of rent may have been specially reserved by stipulation in the engagements interchanged, on the creation of the tenure. The exercise of this power shall not be confined to cases in which the stipulation for sale may have been unrestricted in regard to time, but shall apply equally to tenures held under engagements stipulating merely for a sale at the end of the year, in conformity with the practice heretofore allowed by the regulations in force.

First sale to be applied for on the first of Bysakh.

Notice to be published that it will take place on the first of Jyte.

Notice to be sent to the mofussil.

Second. On the first day of Bysakh, that is, at the commencement of the following year from that of which the rent is due, the zemindar shall present a petition to the Civil Court of the district, and a similar one to the Collector, containing a specification of any balances that may be due to him on account of the expired year from all or any talookdars or other holders of an interest of the nature described in the preceding Clause of this Section. The same shall then be stuck up in some conspicuous part of the kucheree, with a notice that if the amount claimed be not paid before the first of Jyte following, the tenures of the defaulters will on that day be sold by public sale in liquidation. Should however the first of Jyte fall on a Sunday, or holiday, the next subsequent day, not a holiday, shall be selected instead: a similar notice shall be stuck up at the sudder kucheree of the zemindar himself, and a copy or extract of such part of the notice as may apply to the individual case shall be by him sent, to be similarly published at the kucheree, or at the principal town or village upon the land of the defaulter. The zemindar shall be exclusively answerable

swerable for the observance of the forms above prescribed, and the notice required to be sent into the mofussil shall be served by a single peon, who shall bring back the receipt of the defaulter, or of his manager for the same; or in the event of inability to procure this, the signatures of three substantial persons residing in the neighbourhood, in attestation of the notice having been brought and published on the spot. If it shall appear from the tenor of the receipt or attestation in question, that the notice has been published at any time previous to the fifteenth of the month of Bysakh, it shall be a sufficient warrant for the sale to proceed upon the day appointed. In case the people of the village should object or refuse to sign their names in attestation, the peon shall go to the kucheree of the nearest moonsiff, or if there should be no moonsiff, to the nearest thanna, and there make voluntary oath of the same having been duly published—certificate to which effect shall be signed and sealed by the said officers and delivered to the peon.

Rules for serving it.

Third. On the first day of Kartick in the middle of the year, the zemindar shall be at liberty to present a similar petition, with a statement of any balances that may be due on account of the rent of the current year up to the end of the month of Asin, and to cause similar publication to be made of a sale of the tenures of defaulters, to take place on the first of Aughun, unless the whole of the advertised balance shall be paid before the date in question, or so much of it as shall reduce the arrear, including any intermediate demand for the month of Kartick to less than one fourth, or a four anna proportion of the total demand of the zemindar, according to the kistbundee, calculated from the commencement of the year to the last day of Kartick.

Mid year sale to be applied for on the first of Kartick.

Notice as above for sale the first of Aughun.

If arrear be not less than one fourth of demand.

IX. All sales of saleable tenures applied for under the rules of this Regulation, shall be made in public kucheree by the register

Register to conduct the sale.

gister or acting register of the Civil Court, or in his absence by the person in charge of the office of judge or of magistrate of the district, within which the lands may be situated; the land shall be sold to the highest bidder, and every one not the actual defaulter, shall be free to bid, not excepting the person in satisfaction of whose demand the sale may be made, nor the under tenants of the defaulter: fifteen per cent. of the purchase money shall be paid immediately the lot is knocked down, and the officer conducting the sale shall be competent to refuse to accept a bid, or to knock down a lot to any bidder, unless he has assurance to his satisfaction that the amount required to be deposited is in hand for the purpose, or will be produced within two hours. If the fifteen per cent. be not paid in cash or in notes of the Bank of Bengal, within two hours of the sale, or an equivalent amount in government securities be not lodged, the lot shall be resold on the same day, and if the remainder of the purchase money be not paid by noon of the eighth day, notice shall be given of resale on the following day, that is, on the ninth from the first sale, by proclaiming the same by beat of drum through the bazar of the sudder station of the zillah, after which the lot shall be resold at the appointed time at the risk of the first purchaser, who shall forfeit the advance of fifteen per cent. already made, (which shall be in such case regarded as part of the proceeds of the sale,) and be further answerable for any sum in which the proceeds of the second sale may fall short of the antecedent one; such deficiency to be levied by the process for the execution of decrees of the Civil Courts.

Rules for bidding, &c.

Fifteen per Cent. to be paid on sale.

Or lot to be re-sold after two hours.

Failing remainder, resale on ninth day after.

X. At the time of sale the notice previously stuck up in the kucheree shall be taken down, and the lots be called up successively in the order in which they may be found in that notice. A person shall attend on the part of the zemindar with a particular statement of the payments made up to the day of sale, on account

Forms to be observed on selling.

Zemindar to certify balance,

And service of notice in Mofussil.

account of the balance of each advertised lot, together with the receipt for, or certificate of, the notice directed to be published in the mofussil, nor shall any lot be put up to sale until the statement produced shall have been inspected and the existence of a balance for the year ascertained therefrom, nor until the receipt for the notice shall have been read; the observance of which forms shall be recorded in a separate roobukaree to be held upon each lot sold. If the sale be of the description provided for in the third Clause of Section VIII. of this Regulation, the kistbundee of the defaulter shall likewise be produced, in order that it may be seen, that the balance remaining unpaid exceeds a four anna proportion of the demand up to the date of sale; nor shall the sale take place unless this be ascertained. The zemindar shall be exclusively responsible for the correctness and authenticity of the papers to be thus exhibited, nor shall the public officer making the sale be answerable in any respect, except for its fairness and publicity, and for the observance of the rules prescribed for his guidance in this Regulation.

On his own responsibility.

Tenure to be sold free of incumbrance by act of defaulter.

XI. *First.* It is hereby declared, that any talook or saleable tenure that may be disposed of at public sale under the rules of this Regulation, for arrears of rent due on account of it, is sold free of all incumbrances that may have accrued upon it by act of the defaulting proprietor, his representatives, or assignees; unless the right of making such incumbrances shall have been expressly vested in the holder by a stipulation to that effect in the written engagements under which the said talook may have been held. No transfer by sale, gift or otherwise, no mortgage or other limited assignment shall be permitted to bar the indefeasible right of the zemindar to hold the tenure of his creation answerable in the state in which he created it, for the rent, which is in fact his reserved property in the tenure; except the transfer or assignment should have been made with a condition

tion to that effect, under express authority obtained from such zemindar.

Second. In like manner, on sale of a talook for arrears, all leases originating with the holder of the former tenure, if creative of a middle interest between the resident cultivators and the late proprietor, must be considered to be cancelled, except the authority to grant them should have been specially transferred; the possessors of such interests must consequently lose the right to hold possession of the land, and to collect the rents of the ryots; this having been enjoyed merely in consequence of the defaulter's assignment of a certain portion of his own interest, the whole of which was liable for the rent.

No underlease to stand after sale.

Third. Provided nevertheless, that nothing herein contained shall be construed to entitle the purchaser of a talook or other saleable tenure intermediate between the zemindar and actual cultivators, to eject a khodkast ryot, or resident and hereditary cultivator, nor to cancel bonâ fide engagements made with such tenants by the late incumbent, or his representative, except it be proved in a regular suit, to be brought by such purchaser, for the adjustment of his rent, that a higher rate would have been demandable at the time such engagements were contracted by his predecessor.

Exception in favor of bonâ fide engagements with ryots.

XII. The rules of the preceding Section being declaratory of the principle to be observed on all occasions, wherein saleable tenures are made responsible for the zemindar's reserved rent, will equally apply to the case of talooks heretofore sold, as to those that may be sold henceforward, if the sale shall have been fair, and the process observed in conducting it shall have been that recognized and in use in the district at the time of selling. Nothing however herein contained shall operate to the prejudice of

Above rule to take effect retrospectively.

Proviso.

of any agreement, express or implied, now subsisting between the purchaser of a talook and the lessees of his predecessor. Neither shall the rule for the fall of under tenures be considered to apply to any private transfer by a talookdar of his own interest, nor to a public sale in execution of a decree, nor to the case of a relinquishment by the talookdar in favor of the zemindar, nor to any act originating with the former holder, other than default as aforesaid; all such operations involve only a transfer of the tenure in the state in which it may be held at the time, and the new incumbent succeeds to no more than the reserved rights of the former tenant, such as they may be, and is of course subject to any restriction put upon the tenure by his act.

But not to apply to private transfers.

Reason for allowing under tenants a means of staying sale.

XIII. *First.* With reference to the injury that may be brought upon the holder of a talook of the second degree, by the operation of the preceding rules, in case the proprietor of the superior tenure purposely withholds the rent due from himself to the zemindar, after having realized his own dues from the inferior tenantry, it is deemed necessary to allow such talookdars the means of saving their tenures from the ruin that must attend such a sale, and the following rules have accordingly been enacted for this purpose.

Manner of doing so.

Second. Whenever the tenure of a talookdar of the first degree may be advertised for sale in the manner required by the second and third Clauses of Section VIII. of this Regulation, for arrears of rent due to the zemindar, the talookdars of the second degree, or any number of them, shall be entitled to stay the final sale, by paying into court the amount of balance that may be declared due by the person attending on the part of the zemindar on the day appointed for sale: in like manner they shall be entitled to lodge money antecedently, for the purpose of eventually answering any demand that may remain due on the day fixed for the sale, and should the

By lodging the advertised balance.

the amount lodged be sufficient, the sale shall not proceed, but after making good to the zemindár the amount of his demand, any excess shall be paid back to the person or persons who may have lodged it.

Third. If the amount so lodged shall be rent due by the inferior talookdar to the holder of the advertised tenure, the same shall be stated at the time of making the deposit, and the amount shall be carried to the account of the tenant or tenants lodging it, and be deducted from any claim of rent that may at the time be pending, or be thereafter brought forward against him or them by the proprietor of the advertised tenure, on account of the year or months for which the notice of sale may have been published.

In case of rent due being lodged,

Credit to be given.

Fourth. If the person or persons making such a deposit, in order to stay the sale of the superior tenure, shall have already paid the whole of the rent due from himself or themselves, so that the amount lodged is an advance from private funds, and not a disbursement on account of the said rent, such deposit shall not be carried to credit in, or set against future demands for rent, but shall be considered as a loan made to the proprietor of the tenure preserved from sale by such means, and the talook so preserved shall be the security to the person or persons making the advance, who shall be considered to have a lien thereupon, in the same manner as if the loan had been made upon mortgage; and he or they shall be entitled, on applying for the same, to obtain immediate possession of the tenure of the defaulter, in order to recover the amount so advanced from any profits belonging thereto. If the defaulter shall desire to recover his tenure from the hands of the person or persons, who by making the advance may have acquired such an interest therein, and entered on possession in consequence, he shall not be entitled to do so, except

In case of advance from private funds.

To have the effect of mortgage.

Defaulter how to recover possession.

except upon repayment of the entire sum advanced, with interest at the rate of twelve per cent. per annum, up to the date of possession having been given as above, or upon exhibiting proof, in a regular suit to be instituted for the purpose, that the full amount so advanced, with interest, has been realized from the usufruct of the tenure.

Sale not to be stayed except the arrear claimed be lodged.

XIV. *First.* Should the balance claimed by a zemindar, on account of the rent of any under tenure, remain unpaid upon the day fixed for the sale of the tenure, the sale shall be made without reserve in the manner provided for in Sections IX. and X. of this Regulation; nor shall it be stayed or postponed on any account, unless the amount of the demand be lodged. It shall however be competent to any party desirous of contesting the right of the zemindar to make the sale, whether on the ground of there having been no balance due, or on any other ground, to sue the zemindar for the reversal of the same, and upon establishing a sufficient plea, to obtain a decree with full costs and damages. The purchaser shall be made a party in such suits, and upon decree passing for reversal of the sale, the court shall be careful to indemnify him against all loss, at the charge of the zemindar or person at whose suit the sale may have been made.

But action to lie for its reversal.

Summary investigation may be applied for by defaulter.

Second. In cases also in which a talookdar may contest the zemindar's demand of any arrear, as specified in the notice advertised, such talookdar shall be competent to apply for a summary investigation, at any time within the period of notice: the zemindar shall then be called upon to furnish his kubooleut and other proofs at the shortest convenient notice, in order that the award may, if possible, be made before the day appointed for sale. Such award, if so made, will of course regulate the ulterior process; but if the case be still pending, the lot shall be called up

But not to stay sale without deposit.

up in its turn, notwithstanding the suit; and if the zemindar or his agent in attendance insist on the demand, the sale shall be made on his responsibility, nor shall it be stayed, or the summary suit be allowed to proceed, unless the amount claimed be lodged in cash or in government securities, or in notes of the Bank of Bengal, by the talookdar contesting the demand; and if such deposit be not made, the alleged defaulter will have no remedy, but by a regular action for damages and for a reversal of the sale.

Rules for purchasers obtaining possession.

XV. *First.* So soon as the entire amount of the purchase money shall have been paid in by the purchaser, at any sale made under this Regulation, such purchaser shall receive from the officers conducting the sale, a certificate of such payment. The purchaser shall then proceed with the certificate in question to procure a transfer to his name in the kucheree of the zemindar, and upon furnishing security, if required, to the extent of half the juma or annual rent, he shall receive the usual umuldustuk, or order for possession, together with the notice to the ryots and others to attend and pay their rents henceforward to him. The zemindar shall also be bound to furnish access to any papers connected with the tenure purchased, that may be forthcoming in his kutcheree, and should he in any manner delay the transfer in his office, or refuse to give the orders for possession, notwithstanding that good and substantial security shall have been furnished, or tendered, on requisition, the new purchaser shall be entitled to apply direct to the court, and he shall receive the orders for possession, and shall be put in possession of the lands by means of the nazir, in the same manner as possession is obtained under a decree of court: provided however that if the delay be on account of the zemindar's contesting the sufficiency of the security tendered, the rule contained in Section VI. of this Regulation shall be observed.

Zemindar to give transfer on security being furnished, if required.

Remedy in case of delay.

Proviso.

Second.

Second. When the new purchaser shall proceed to take possession of the lands of his purchase, if the late incumbent himself, or the holders of tenures or assignments derived from the late incumbent, and intermediate between him and the actual cultivators, shall attempt to offer opposition, or to interfere with the collections of the new purchaser, from the lands composing his purchase, the latter shall be at liberty to apply immediately to the civil court, for the aid of the public officers in obtaining possession of his just rights. A proclamation shall then issue under the seal of the court and signature of the judge, declaring, that the new incumbent having, by purchase at a sale for arrears of rent due to the zemindar, acquired the entire rights and privileges attaching to the tenure of the late talookdar, in the state in which it was originally derived by him from the zemindar, he alone will be recognized as entitled to make the zemindaree collections in the mofussil, and no payments made to any other individual will on any account be credited to the ryots or others in any summary suit, for rent, brought under the provisions of Section XV. Regulation VII. 1799, or in any application to stay process by distraint, under the rules of Regulation V. 1812, or on any other occasion whatever, when the same may be pleaded.

In case of opposition.

Proclamation to issue from Court.

Third. Should the late incumbent, or his late under tenants, continue to oppose the entry of the new purchaser, notwithstanding the issuing of such a proclamation, or should there be reason to apprehend a breach of the peace on the part of any one, the aid of the police officers, and of all other public officers who may be at hand, and capable of affording assistance, shall be given to the new purchaser, on his presenting a written application for the same; and in the event of any affray or breach of the peace occurring, the entire responsibility shall rest with the party opposing the lawful attempt of the purchaser to assume his rights.

In case of further opposition.

Police and all public Officers to aid.

XVI.

XVI. Under tenures held under engagements similar to those executed between the zemindar and putneedar, having been declared not to be voidable for an arrear of the rent fixed upon them in perpetuity, it will be necessary that the person to whom the said rent may be payable, should (in case he be desirous of holding the tenure answerable in the manner provided for by stipulation in the deeds interchanged) proceed according to the rules of Section XV. Regulation VII. 1799, and the general Regulations, to have the sale effected at the end of the year, in the same manner as heretofore.—But it is hereby provided, that every such sale shall be public, and be conducted by the register or acting register of the zillah court, or in his absence, by the person in charge of the office of judge or of magistrate, under the rules of this Regulation, as far as the same may be applicable; ten days notice shall be given of such sales, by advertisement, to be stuck up at the kucherries of the court and collector.

Under tenures how to be brought to sale for arrears.

XVII. *First.* The following rules have been enacted for the disposal of the proceeds of any sale made under the rules of this Regulation.

Rules for disposing of the purchase money of sales for arrears under this Regulation.

Second. One per cent. shall first be deducted from the net proceeds realized, and shall be carried to the account of Government, for the purpose of meeting the expense of any extra establishments which it may be necessary to maintain, for carrying into effect the provisions of this Regulation.

One per cent to be carried to the account of Government.

Third. The balance on account of which the sale may have been made, shall next be made good in full (with interest and all charges incurred in bringing the talook to sale) to the zemindar or other person to whom the same may be due: provided however that no former balances, beyond those of the current

Zemindar's balance and expences to be next made good.

rent year (or of that immediately expired, if the sale be at the commencement of the following year,) shall be included in the demand to be thus satisfied.—Such antecedent balances, if the zemindar shall have omitted to avail himself of the process within his reach, for having them satisfied at the time, will have become in fact mere personal debts of the individual talookdar, and must be recovered in the same way as other debts by a regular suit in the court.

But not antecedent balances.

Remainder to be sent to the collector's treasury.

Fourth. Any excess that may remain after satisfying the demand of the zemindar, in the manner above described, shall be forthwith sent by the officer conducting the sale to the treasury of the collector or assistant collector of the district, to be there held in deposit to answer the claims of the talookdars of the second degree, or of others who, by assignment of the defaulter, may be at the time in possession of a valuable interest on the land composing the talook sold, or on any part of it.

To answer claims of under tenants.

Under tenants free to prosecute for the price of their interest or compensation.

Fifth. It shall be competent to any one conceiving himself to possess such an interest, to bring forward his claim to the price he may have paid for the same, or for a just compensation for the loss sustained by him in consequence of the sale, by instituting a regular suit at any time within two months from the date of sale. If the court shall on investigation consider the plaintiff's claim to be an equitable one, the court will award to the claimant either the price he may have originally paid, or the value of the interest at the time of sale, or any other amount that may be deemed just and equitable under all the circumstances.—If there be more claimants than one, payment shall not be made from the deposit, until the whole of the claims be settled; and in case the value assessed upon the whole should exceed the amount in deposit, such amount shall be divided proportionately, and the remainder stand as a personal debt against the defaulter, to

Payment how to be made from deposit if many claims.

to be realized from him by the usual process for the execution of decrees.

Sixth. Provided however that no talookdar of the second degree, or other possessor of an assigned interest upon the land of the tenure sold, who may be holding under a stipulation for the payment of an annual amount in the way of rent, shall be entitled to recover compensation for the loss of such tenure or assignment upon its becoming cancelled by sale of the superior talook, except after exhibiting proof that the whole amount of the rent demandable from himself, has been paid or lodged for the purpose, prior to the date of sale.

Action not to lie if the under tenant be himself in arrear at the time of sale.

Seventh. Should no claims upon the purchase money of a talook sold as above, be brought forward by any under tenants or assignees, within the period of two months from the date of sale, or should the amount claimed by those who may have sued not equal the entire deposit, the defaulter whose tenure may have been sold, shall be at liberty to petition the court for the amount so held in deposit, or for the excess thereof, as the case may be, and he shall receive a certificate under the seal of the court, of there being no claims to afford ground of detention for the whole or any part of the deposit; and upon exhibiting such certificate to the collector, the amount set free thereby shall be paid to his receipt. In the same manner upon executing a decree passed in favor of any under-tenants or assignees, they shall receive certificates under the seal of the court, declaring the amount adjudged to them out of the deposit, and upon exhibiting these certificates, the amount shall be paid severally to their receipts by the collector.

In case of no claim in two months, or only partial claims, defaulter to receive the excess unclaimed.

Eighth. It shall be competent to any party interested in a deposit, to withdraw the whole or any part thereof, on substituting government securities, bearing interest, in lieu of the money so held

Any party interested may substitute government securities for cash in deposit.

held in deposit: such securities to be taken at the rate of discount or premium of the day, as shown by the Government Gazette last received.

Doubts in the construction of Section XV. Regulation VII. 1799, stated.

XVIII. *First.* Doubts have been entertained with respect to the intent and meaning of such part of Section XV. Regulation VII. 1799, as regards the power of attaching the lands of a defaulter, particularly whether the attachment can be made in case the dustuk be not served on the person of the under-tenant from whom the arrear of rent is claimed: moreover it has not been provided in any part of the rules above quoted, nor in any subsequent Regulation, whether or not a decree can be passed after summary investigation of an arrear claimed, in case the process by dustuk, shall not have been served on the defaulter. In consequence of these doubts and omissions, under-tenants falling in arrear have been encouraged to make it a practice to evade the process by dustuk, in the confidence that if successful in concealing themselves for a time, the person to whom the rent is due will lose the benefit of his summary application, and be referred to a regular suit, as the only means of recovering his dues, or of obtaining such a judicial award as will enable him to proceed against the property of the debtor. In order to remedy the evils arising from the practice above described, the following rules have been enacted, in explanation and modification of the rules of Section XV. Regulation VII. 1799.

And their effects.

Second. Under the existing rules, proprietors, talookdars or farmers, are entitled, with or without making a previous demand upon the under-tenant, to institute a summary suit for any arrear which may be claimed to be due, and to obtain the issue of a process of arrest against the defaulter. It is hereby further provided, that when a summary suit for arrears alleged to be due, may have been instituted against a talookdar or against a farmer, or against the holder of any other intermediate tenure between the zemindar

After summary suit lodged.

zemindar and the actual cultivators, it shall be competent to the party who may have instituted such suit (whether the alleged defaulter shall have been arrested or not,) to send a sezawul of his own authority to attach and collect the rents of the actual cultivators immediately from themselves: provided however, that such power of attachment shall not be exercised, unless the arrear of rent claimed in the summary suit, shall have been actually due for one entire month before the date of attachment, and shall not be less in amount than the entire kist of the month, on account of which the arrear may be claimed.

The right of attaching talooks, farms and similar tenures declared

With proviso

Third. After process of arrest may have been taken out in the usual form, if the return of the nazir be, that after diligent search the party cannot be found, it shall be optional with the plaintiff to move the court by his vakeel or authorized agent to solicit a postponement of the case for a month, in order to cause another process to be served at any time in the course of it, that may afford the chance of securing the person of the defaulter, and then to have a notice issued and the case brought to judgment; or to cause proclamation to be made without such postponement, that after fifteen days from the date of notice, the court will proceed to a summary investigation of the balance, and in case of the non-attendance of the defendant, will pass judgment summarily upon the documents and proofs that may be exhibited by the plaintiff exparte.

Summary decree to pass exparte in case of return non-inventus.

Form to be observed.

Fourth. When an arrear may be adjudged to be due in the manner above provided, the zemindar or other plaintiff in the suit shall be at liberty to cancel of his own authority any lease, farm or other limited interest intermediate between himself and the actual cultivator, on account of which the rent may have been claimed; but no summary award for arrears shall be considered to warrant the subjecting real property belonging to the defendant,

After summary decree zemindar may cancel farms and the like.

No exception against separate real property.

defendant, in such an action, to sale in execution, except in cases in which the balance may be due on account of a talook of the description noticed in Section III. of this Regulation, or of any other talook which may have been declared by the Regulations to be liable to sale for arrears; such talook will of course be liable to be sold for the arrears which may have accrued upon it, in the mode prescribed; but if the zemindar or other plaintiff should be desirous of having any other estate, or house, or landed property of a defaulter, brought to sale in satisfaction of his claim of rent, it will be necessary for him to institute a regular suit for the purpose, notwithstanding the existence of the summary award in his favor.

Tenures of ryots not to be attached or cancelled for arrears.

Fifth. The provisions contained in the second and fourth Clauses of this Section, so far as they relate to the power of attaching and cancelling (under the circumstances therein described) the leases, farms or other limited interests of persons holding intermediately between the proprietor and the actual cultivator, are hereby declared not to extend to khoodkasht ryots or other resident cultivators of the soil.—For any arrears which may be alleged to be due from those classes of persons, the party claiming them may proceed at any time during the year by distraint or by process of arrest and summary suit, under the existing rules;

Except by summary suit at the end of the year.

proprietors, talookdars or farmers, however, to whom an arrear of rent may be due at the end of the year from any khoodkasht ryot or other resident cultivators of the soil, are at liberty to institute a summary suit to establish the existence of such an arrear, taking out process of arrest in the usual form.—If the defendant shall not attend or cannot be arrested, the forms of process and proceeding prescribed in the third Clause of this Section, shall be considered to be applicable to the case, and any summary judgment previously obtained on account of rent of the year just closed, shall be received as evidence of such arrear,

upon

upon the plaintiff's shewing that the judgment in question has remained unexecuted.—If an arrear shall be adjudged by the court to be due, and the amount shall not be immediately paid into court, the plaintiff shall be authorized by the court to make such new arrangement as he may judge proper for the future management of the lands in question.

XIX. In addition to the rules contained in Section XV. Regulation XIX. 1817, it is hereby provided that any zemindar, talookdar, farmer, or other person entitled to receive rent, who may desire to take out summary process against the person of a defaulter, shall be at liberty to make application for the purpose either to the judge of the district within which the land may be situated, or of the district wherein the defaulter may be at the time resident, at his option. In the event of his applying to the judge of the district, within which the defaulter may not be resident, the process shall be transmitted by dawk to the judge of the district where he may reside, in order to be there served in the usual form. The defaulter, if apprehended, shall be sent over in custody; or if he should not be found, so that the process cannot be served, a return shall be made accordingly, and the deposition of the peon employed shall further be taken, to be sent along with the return for the satisfaction of the judge issuing the process, as to the efforts made to apprehend the defaulter.

Optional for zemindars to take out arrest from the court having jurisdiction over the tenure.

Or from that of the place of residence.

Process in latter case.

A. D. 1819. REGULATION IX.

A REGULATION *for amending the existing Rules, with regard to the admission of special Appeals; for requiring in certain cases, from Residents within the limits of Calcutta, security for eventual costs of suit, and for extending the powers of the Zillah, and City Registers, and the Registers of the Provincial Courts, in certain cases:*—PASSED *by the Governor General in Council on the* 29*th October*, 1819, *corresponding with the* 14*th Kautick* 1226 *Bengal era; the* 26*th Kautick* 1227 *Fussily; the* 15*th Kautick* 1227 *Willaity; the* 11*th Kautick* 1876 *Sumbut; and the* 9*th Mohurrum* 1235 *Higeree.*

Preamble.

WHEREAS experience has shewn, that it would be conducive to the ends of Civil Justice, to modify and extend the existing rules, which limit to certain specific grounds, the admission of special appeals by the Sudder Dewanny Adawlut, and by the Provincial Courts of Appeal; and Whereas experience has also shewn the necessity of requiring previous security for eventual costs of suit, from residents within the limits of the City of Calcutta, who may become parties in an original

original suit, or respondents in an appeal in any of the Courts of the interior; in as much as the existing rules require such security only from appellants; and parties other than appellants being residents within the City of Calcutta, have in sundry instances evaded the payment of costs due from them under decrees of those Courts; and Whereas it is desirable further to facilitate the trial of appeals, from the decisions of the Zillah and City Registers, which are now cognizable by the Judges of the Zillah and City Courts only; and Whereas it has been judged expedient in addition to the functions discharged by the registers of Provincial Courts, to authorize them to try Civil suits, which may be referred to them by the Judges of the Zillahs or Cities, within which the Cutcherries of the Provincial Courts of Appeal may be situated; the following rules have been enacted, which are to be in force throughout the territories subject to the Presidency of Fort William, from the date of the promulgation of this Regulation.

Clause I. Section II. Regulation XXVI. 1814, amended.

II. *First.* The rules contained in Clause first, Section II. Regulation XXVI. 1814, as far as regards the grounds for the admission of special appeals by the Provincial Courts of Appeal and by the Sudder Dewanny Adawlut, are hereby amended as follows.

Under what circumstances Provincial Courts and Sudder Dewanny Adawlut may admit special appeals.

Second. In extension of the grounds to which the admission of special appeals is limited by the Clause and Section above quoted, it is hereby declared competent to the Provincial Courts of Appeal, and to the Sudder Dewanny Adawlut, to admit a second or special appeal, whenever on a perusal of the decree of the lower Court, from whose decision the special appeal is desired, there may appear strong probable ground, from whatever cause, to presume a failure of justice.

Judges of Zillah and City Courts may recommend the admission of special ap-

III. *First.* It is hereby declared competent to the Judge of a Zillah or City Court, in any case in which no further regular appeal

peal is open under the existing Regulations, but in which either of the parties may be desirous of a further special appeal, to certify to the Provincial Court (where the circumstances demand it) that such case involves some point of general importance hitherto apparently unsettled, and fit to be reconsidered in a further appeal.

peals to Provincial Courts, in certain cases.

Second. The Provincial Courts are also declared competent to certify similarly, under analogous circumstances, to the Sudder Dewanny Adawlut.

Provincial Courts may also recommend the admission of special appeals to Sudder Dewanny Adawlut.

Third. In the event of a Provincial Court declining under the provisions of the second and following Clauses of Section II. Regulation XXVI. 1814, to admit a second or special appeal in a case certified to them as above, from a Zillah or City Court, and rejecting accordingly the special appeal, such rejection shall not be final, but it shall be competent to the Sudder Dewanny Adawlut, on petition by the party desiring the special appeal, to direct the Provincial Court to admit it, if on a consideration of the grounds which may be exhibited for a special appeal, it shall appear proper to the Sudder Dewanny Adawlut so to direct, under the provisions of Clause first, Section II. Regulation XXVI. 1814, as amended by this Regulation.

The rejection of a special appeal by a Provincial Court in cases certified by a Zillah or City Judge not to be final, but on stated grounds the Sudder Dewanny Adawlut may direct its being admitted.

IV. The Sudder Dewanny Adawlut and the several Provincial Courts, previously to admitting a special appeal on application to them to that effect, are hereby declared competent to call for and peruse any document forming part of the record of the cause which they may deem proper, beside the document or documents presented by the party applying for the special appeal.

The Sudder Dewanny Adawlut and Provincial Courts empowered to require the production of papers previous to admitting special appeals.

V. No special or second appeal shall be admitted hereafter by a Provincial Court, or by the Sudder Dewanny Adawlut, unless two Judges concur in the propriety of its admission under the rules applicable to the case, as amended by this Regulation.

No special appeals to be admitted in the Sudder Dewanny Adawlut or Provincial Courts, without the concurrence of two Judges of a Court.

VI. It is hereby declared that nothing contained in the foregoing

Foregoing rules not to affect the ex-

isting Regulations regarding limitations of time or prevailing forms.

going Sections, is intended to make any alteration in the existing rules with regard to the limitations of time, or with regard to any of the existing forms requisite for the admission of special appeals.

Security for costs in original suits on appeals to be given by residents in Calcutta, who are to provide responsible sureties.

VII. *First.* From and after the promulgation of this Regulation, every person, being a resident of the City of Calcutta, who may desire to institute or defend an original suit, or to defend an appeal in any Zillah, City, or Provincial Court, shall be required to furnish security for all eventual costs of suit, which may be adjudged payable by such person, and shall furnish such security by a surety or sureties residing and possessing property without the limits of Calcutta—such security shall be furnished by a plaintiff within six weeks of the date on which his plaint is filed; and a defendant or respondent shall furnish it within six weeks of the date on which the usual summons is served on him; unless such security be so furnished, the suit of such person, if plaintiff, shall not be proceeded in, if defendant or respondent he shall not be allowed to defend his suit or appeal, but the cause shall be decided exparte on the statements and proofs of his opponent. And no appeal shall be admitted from the party who may have failed to give the required security, until he shall first have made good the whole of the costs demandable from him in the lower Court.

Limitation of time for furnishing security.

Course of proceeding to be followed, if the plaintiff, or the defendant, or respondent, fail to furnish security.

No appeal in such cases to be allowed, until the costs of suit in the lower Court have been paid.

The foregoing rules declared applicable to persons becoming residents of Calcutta pending any suit or appeal.

Second. The same rule shall be applicable, and the same mode of proceeding shall be observed, in the event of any person who may have instituted or defended any original suit, or defended an appeal in a Zillah, City or Provincial Court, becoming a resident of Calcutta, before a decree is passed on such suit or appeal, and failing to give the required security within six weeks of its being demanded by the Court, and such demand the Court is hereby required to make immediately on the circumstance becoming known; even though no motion should be made to that effect.

Third.

Third. It is however provided, that nothing contained in this Section, shall be considered applicable to pauper suitors coming within the provisions of Regulation XXVIII. 1814.

But not applicable to persons suing in forma pauperis.

VIII. *First.* In addition to the special powers which, under the provisions of Section IX. Regulation XXIV. 1814, may now be conferred upon Zillah and City Registers, it is hereby further provided that it shall be competent to the Governor General in Council, on the recommendation of the Sudder Dewanny Adawlut, to invest any person exercising the functions of a Register of a Zillah or City Court, with powers to try and determine depending appeals from decisions which may have been passed by another Register, on the class of suits specified in Section VIII. of the Regulation above mentioned. The Zillah and City Judges are hereby authorized to refer to Registers so empowered, any suits of the description above adverted to, and such Registers will be entitled to the same fees as they would have received, had the suits in question been tried by them in the first instance.

Judges of Zillah and City Courts empowered to refer appealed causes to Registers for decision.

Fees.

Second. No person however shall be vested with the power in question, who may not have been employed in the Judicial Department for a period of at least Six years, nor shall he be competent to try such appeals except in cases in which the original decision may have been passed by a Register junior in the service, to the individual on whom the special power in question may be conferred.

Qualification necessary to enable them to decide on such appeals.

Prohibition against their hearing appeals in cases decided by their Seniors in the service.

Third. The Provincial Courts are empowered to admit a second or special appeal, from the decisions which may be passed by Registers under the foregoing Clauses of this Section, and such special appeals are to be admitted and tried in the same manner as other special appeals, cognizable by the Provincial Courts.

Provincial Courts empowered to admit and decide on such special appeals.

IX. The Judges of the Zillahs and Cities, within whose jurisdiction the Cutcherries of the Provincial Courts may be respectively

Zillah and City Judges empowered to refer suits cognizable by their Registers to the Registers of Provincial Courts.

respectively situated, are hereby authorized to refer to the Register of such Provincial Court, any original Civil suits cognizable by the Zillah and City Registers, under Section VIII. Regulation XXIV. 1814, and which may be now or hereafter depending in the Zillah or City Courts.—In the trial of such suits, the Registers of the Provincial Courts will exercise the same powers, and will be guided by the same rules, as those which are applicable to the Zillah and City Registers generally, and they will also be entitled to the same fees, on the decision of suits as the Zillah and City Registers, but they will be careful that the trial of such suits be not allowed to interfere with their primary duties as Registers of the Provincial Courts.

Fees.

Such suits not to interfere with their duties as Registers of Provincial Courts.

A. D. 1819. REGULATION X.

A REGULATION *for reducing into one Regulation, with alterations and amendments, the Rules at present in force respecting the manufacture, adulteration, importation, transportation and sale of Salt:—Passed by the Governor General in Council on the 7th December* 1819, *corresponding with the 23d Aughun* 1226 *Bengal era; the 6th Poose* 1227 *Fusly; the 24th Aughun* 1227 *Willaity; the 6th Poose* 1876 *Sumbut; and the 18th Suffer* 1235 *Higeree.*

Preamble.

WHEREAS Rules have from time to time been enacted for the conduct of persons concerned in the manufacture of Salt on account of Government; for preventing the illicit manufacture, sale, and transportation of Salt, and the adulteration of licit Salt with other substances, and for regulating the importation of that article; and whereas it has appeared expedient, with the view of better securing to Government the revenue which it derives from having reserved to itself the exclusive right of manufacturing Salt, to revise some of the rules at present in force for the prevention of the illicit manufacture, and transportation of the article, and to vest in the Salt Agents

and

and superintending officers of chokies, powers of investigating and in certain cases of deciding on suits, complaints and informations touching acts done or permitted in violation of this Regulation; and whereas it will tend to the public convenience to consolidate the whole of the rules in force respecting this branch of the public resources into one Regulation, with alterations and amendments; the following rules have been passed, to be in force throughout the provinces of Bengal, Behar, and Orissa, including Cuttack, and in such places within the province of Benares as are hereinafter specifically mentioned, from the date of the promulgation of this Regulation.

Regulations rescinded.

II. The whole of the rules contained in Regulation XXIX. of 1793, Regulation LII. of 1795, Regulation IV, of 1798, Regulation IV. of 1800, Regulation VI. of 1801, Regulation XII. of 1801, Regulation XLVIII. of 1803, Regulation IX. of 1806, and Regulation XXII. of 1814, which are now in force, and have relation either to the conduct of persons concerned in the provision of Salt on the public account, the importation, illicit manufacture, sale, purchase, transportation, adulteration or possession of Salt, and are not specially re-enacted by this Regulation, are hereby rescinded:—Provided however, that the several rules rescinded by the provisions of the Regulations above recited, or any of them, shall be and continue repealed.

Appointment of the Salt Agents and Superintending Officers of Chokies, and Oaths to be taken by those Officers.

The provision of Salt by whom to be superintended

III. The superintendence of the provision of Salt, on account of Government, shall continue to be entrusted to Covenanted Servants of the Company, under the official appellation of Salt Agents, and the Governor General in Council reserves to himself the power of varying the number of such officers, according as he may deem fit, and of fixing the stations for their residence, at his discretion.

IV.

IV. The immediate control over and charge of the several Salt Chokies at present established, shall, as heretofore, be ordinarily vested in Civil Servants of the Company, under the denomination of Superintendents of Salt Chokies; but it shall be competent to the Governor General in Council to vest the charge of those chokies or any of them, in any other officer he may judge fit; and the officer so appointed shall have, and exercise the same powers and duties, as it may, or shall be lawful for the Superintendents of Salt Chokies to exercise.—It shall likewise be competent to the Governor General in Council to order such chokies to be stationed in any district, where he may deem it necessary, with a view to the suppression of illicit transactions in Salt, and to vest the superintendence thereof in any officer he may deem expedient:—Provided however, that a list of all chokies now established, or which may hereafter be established, shall be stuck up in a conspicuous place, at the office of the Board of Customs, Salt and Opium, and likewise in the cutcherries of the Agents and Superintendents, under whose controul they may severally be placed.

Control over the Salt Chokies, by whom to be exercised.

V. *First.* Salt Agents, Superintendents of Salt Chokies, and their respective assistants and subordinate officers, shall not, without the special permission of Government, carry on, directly or indirectly, any trade, nor be concerned in any commercial transaction whatever. This prohibition is declared to extend to the purchase, directly or indirectly, of any goods or commodities in the British dominions in Bengal, for the purpose of remitting money to Europe.

Officers employed in the Salt Department prohibited from carrying on trade.

Second. Whenever any of the officers above mentioned shall be desirous of obtaining a special exemption from the operation of the above Rule, he shall state in writing the nature of the commercial transactions in which he is engaged, the name or

Exemption under special circumstances may be granted by Government.

names

names of the place or places at which they are conducted, and the period for which he may require permission to be engaged in the concern. The orders of Government shall in like manner specify the nature of the concern, in regard to which the exemption may be granted; the name or names of the place or places in which it is to be conducted; and the period at which the interest of such officer in such concern shall cease and determine. And the prohibition aforesaid shall, in respect to all matters, concerns, or transactions not so specified, be in full force, in like manner as if no exemption had been granted.

Oath to be taken by Agents, Superintendents and Assistants.

VI. Salt Agents, Superintendents of Salt-Chokies, and their respective covenanted assistants, shall, immediately on the promulgation of this Regulation, as well as hereafter, previously to entering upon the execution of the duties of their respective offices, take and subscribe the following oath before the Governor General in Council, or any person whom he shall appoint to administer it.

Form of Oath.

I. A. B. ..... appointed ..... do solemnly swear, that I will diligently and faithfully execute the duties of the office of ..... that I will not during the period of my being so employed, directly or indirectly, by myself or others, be concerned in any commercial transaction whatever on my own account, further than I may be specially authorized in that behalf by the Governor General in Council, under Section V. Regulation X. 1819; that I will not directly or indirectly take or receive, or knowingly allow any other person to take or receive, any fee, present, gratuity or advantage whatever, on account of any matter relating to the duties of my office; and that I will not, directly or indirectly, derive any advantage or emolument from my station, excepting such as now is, or may be hereafter, authorized by the Governor General in Council.

"So help me God."

General

General Rules for regulating the conduct of Salt Agents and others employed in the provision of Salt.

VII. No persons shall be compelled, under any pretence whatever, to engage in the provision, manufacture, or transportation of Salt, either as a contractor, or a labourer, or in any other capacity; and all persons who may engage in the provision, manufacture, or transportation of Salt, and may not choose to re-engage, shall be at liberty to relinquish the employment, after performing the engagements into which they may have entered, and to follow any other occupation they may think proper, without hindrance or molestation.

Engagements of individuals in the provision and manufacture of Salt to be voluntary, and all compulsion prohibited.

VIII. If a Salt Agent shall compel, or use any means, or cause any of his officers or others, to compel any molunghee, byoparry, or other person to receive advances, or to contract for, or engage in the provision, manufacture, or transportation of Salt, the Judge of the Dewanny Adawlut, on proof of the charge to his satisfaction, shall adjudge the contract or engagement null and void, and direct the complainant to be discharged, and cause the advances, if any should have been made, to be returned by him, and award such costs and damages against the Agent, as may appear to him equitable. The Agent so offending shall moreover be liable to be dismissed from his office by the Governor General in Council.

Redress how to be afforded, in cases of compulsion by a Salt Agent.

IX. If the assistant to a Salt Agent, whether a covenanted servant of the Company or an European not in the Company's service, or any Native officer attached to a Salt Agency, shall compel, or use any means, or cause any inferior officer or others to compel any molunghee, byoparry or other person to receive advances, or to contract for or engage in the provision, manufacture, or transportation of Salt; he shall on conviction before the Dewanny

Redress how to be afforded in cases of compulsion by European Assistants, or Native officers of a Salt agency.

Dewanny Adawlut, be made to pay to the complainant a sum equal to the amount of the whole of the advances which such complainant would have been entitled to receive, had he voluntarily entered into the contract, or engagement, with any further compensation to which he may appear entitled, and the complainant shall be immediately discharged, and any advances that he may have received shall be taken back from him. In the cases above specified, the party offending shall be liable to be dismissed from office by the Governor General in Council, the Board of Customs, Salt and Opium, or Salt Agent, according as the appointment or removal of such officer, may rest with the one or the other of the said authorities; and in all such cases it shall be the duty of the Court before which such charge may be proved against any Agent, assistant to an Agent, or officers aforesaid, to report the circumstance to the aforesaid Board.

Such assistants and head officers of aurungs how far responsible for acts of compulsion on the part of officers subject to their authority.

X. Covenanted and uncovenanted assistants, and head officers of aurungs, shall be held responsible for any compulsion that may be used for the purposes specified in the foregoing Section by the gomashtahs, peons and other persons subject to their authority, unless it shall appear that it was had recourse to without their knowledge or connivance, and that they afforded all practicable redress immediately on being apprized of the circumstance: where persons subject to the authority of such assistant or head officer, shall be convicted of using such compulsion without his knowledge or connivance, besides dismission from office, they shall be liable to the same penalties as are prescribed in the preceding Section for cases in which the Native officers attached to a Salt Agency may be convicted of using compulsion.

Prohibition against compulsion by contractors, molunghees and byoparries.

XI. If any contractor, molunghee or byoparry, having received advances or entered into engagements for the provision of Salt, shall be convicted before the Dewanny Adawlut of compelling

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ling, directly or indirectly, any labourer, or other person, to receive advances, or to engage in the manufacture, he shall on conviction before the Dewanny Adawlut, be liable to the same penalty, with the exception of dismission from office, as is directed to be inflicted in the cases specified in Section IX. of this Regulation. And that no contractor, molunghee or byoparry, may plead ignorance of the above rule, a clause to the effect thereof shall be inserted in their contracts.

Salt Agents how to be guided in making contracts, advances, &c.

XII. In concluding contracts with molunghees or byoparries and others for the provision of Salt; in making advances to those persons, and in the general conduct of the duties of their office, the Salt Agents shall be guided by the practice heretofore observed, and by such further instructions as they may receive from the Board of Customs, Salt and Opium, or from Government.

Rules for subjecting the officers of Government in the Salt Department to the cognizance of the Civil Courts of Judicature, and for defining the process to be observed in suits in which those officers and other persons concerned in the manufacture of Salt, on account of Government, may be parties; or in which the attendance of such persons may be required by the Courts of Judicature.

Salt Agents and their assistants, and Native officers liable to be sued in the Dewanny Courts, under what circumstances.

XIII. *First.* The Salt Agents and their assistants, whether Covenanted Servants of the Company, or Europeans not in the Company's service, and their Native officers, are declared liable to be sued in the manner hereinafter described in the Dewanny Adawlut for any breach of this Regulation, or any other Regulation that may be passed and printed, in the manner directed in Regulation XLI. 1793. Provided also, that the rules contained in Regulation II. 1814, shall be applicable to all suits or complaints preferred against Salt Agents and Superintendents of Salt Chokies, in so far as those officers are amenable to the Civil Courts

Courts for acts done in their official capacity: Provided however, that the provisions of this Section shall not be held applicable to acts done by Salt Agents in virtue of the judicial powers vested in them by this Regulation, in regard to fines, confiscations, and other penalties prescribed for illicit manufacture, importation, transportation, sale, purchase, or possession of Salt.

Persons employed in the Salt manufacture, who may be aggrieved by an act of a Salt agent, how to seek redress during the manufacturing season.

Second. During the manufacturing season, viz. from the middle of the month of October to the middle of July, if any molunghee or labourer, or any other person, who may be employed in the Salt manufacture, shall deem himself aggrieved by any act or order of the Agent himself, (not being an act or order done under the powers vested in agents by this Regulation in cases hereafter declared to be judicially cognizable by Agents and Superintendents of Salt Chokies) he shall in the first instance state his complaint in person, or by vakeel, to the Agent, and in the event of the Agent refusing to afford him the required redress, or of his omitting to grant it within a reasonable time, the complainant shall be at liberty to sue him in the Dewanny Adawlut.

How to seek redress if aggrieved by the act of an assistant or other Salt officer, molunghee, &c.

Third. During the manufacturing season, if a molunghee, or labourer, or any other person who may be employed in the Salt manufacture, shall deem himself aggrieved by any act of the assistant to the Agent, or any officer attached to a Salt Agency, or by any contractor, molunghee or byoparry, he shall in the first instance state his complaint in person, or by vakeel, to the Agent, in order that the Agent may give such redress as it may be in his power to afford: But if the Agent shall refuse to afford to the complainant the required redress, or omit to grant it within a reasonable time; or if the case be such as that the Agent may not have it in his power to redress the injury received, the complainant shall be at liberty to sue in the Dewanny Adawlut the party from whom he may have sustained the injury, or the Agent,

Agent, if the act shall have been done under his orders, and the Court shall hold the party, or the Agent, responsible accordingly.

Fourth. In the cases specified in the two preceding Clauses, the Courts are not to receive the suit of the complainant, unless he shall prove, either by oath, or in any other mode which the Court may deem satisfactory, that he made the previous application for redress to the Agent, as directed in those Clauses.

Courts not to receive complaints unless the course prescribed above shall have been followed.

Fifth. In the several cases specified in the second and third Clauses of this Section, the complainant, if the engagements which he may have entered into on account of the manufacture be not completed, shall not quit the place of manufacture, to prosecute his complaint in person, without the permission of the head officer of the aurung under which he may work, or of the Agent or his assistant; but shall employ a vakeel for that purpose, unless he shall offer to substitute a person to perform his work in his room, and the Agent, or his assistant, or the head officer of the aurung, shall be of opinion that the work will be equally well performed by the person so offered to be substituted—in which case, the Agent or his assistant, or officer, shall permit the complainant to depart.

Restrictions with regard to the complainant absenting himself from the place of manufacture, before his engagements have been completed.

Sixth. The agents are authorized, in cases in which they may deem it advisable so to do, to undertake the defence of any suit that may be instituted in the Dewanny Adawlut against their assistants or any of their officers, or other persons employed by them in the business of the manufacture; but in such cases the Agent himself is to be considered as responsible for the decree of the Court.

Agents may defend suits, instituted against their assistants and officers, but at their own risk.

Seventh. During the months of Sawun, Bhadoon, and Assin, molunghees, labourers, and all other persons having entered into engagements on account of the Salt manufacture, or having been employed

Persons aggrieved at liberty to prosecute in the usual mode during certain parts of the year, without previous application to the Salt Agent.

employed in it, who may consider themselves aggrieved by any acts done by the Agent, or his assistant, or any of his officers, or other persons employed by him, in breach of this Regulation, or any other Regulation printed and published in the manner directed in Regulation XLI. 1793, are declared to have the option of suing either in person, or by vakeel, the party from whom they may have sustained the injury, in the Dewanny Adawlut, without preferring the previous application for redress, directed in the preceding Clauses of this Section, to be made during the manufacturing season; and further, with a view to ensure the molunghees, labourers, and other persons engaged in the manufacture, or transportation of Salt, speedy redress of injuries they may sustain, the Courts are required to bring the suits instituted by the said persons for injuries sustained by them from the officers aforesaid, to a termination as expeditiously as possible, by trying them in preference to other suits:—Provided, however, that nothing in the six preceding Clauses shall be construed to empower the Courts of Judicature to take cognizance of acts done by Salt Agents, in virtue of the judicial powers vested in them by this Regulation, in respect to fines, confiscations and other penalties, prescribed for cases of illicit dealings in Salt.

And such suits to be brought to trial in preference to others.

Courts prohibited from taking cognizance of acts done by Salt Agents, in virtue of the judicial powers vested in them.

XIV. To prevent persons who may voluntarily receive advances and give a receipt for the amount, afterwards declaring that they were compelled to receive the advances, (or in order to get released from their engagement,) the Courts, in the event of any complaint being made to them by or on behalf of a molunghee, labourer, or other person, that he was compelled to receive advances, are directed, excepting in cases in which they may have full and satisfactory evidence before them that compulsion was used, to consider the receipt as evidence primâ facie of the advances having been voluntarily received, and they shall not release the complainant from his engagements, or prevent his

Courts how to proceed on complaints of molunghees and others, that they were compelled to enter into engagements.

his proceeding to the place of manufacture, should he not have proceeded there, nor bring him from thence, should he have repaired thither, until they shall have completed the trial of the complainant, and shall be satisfied that the engagement was compulsive, and repugnant to this Regulation. The Agents are to apply this rule in similar complaints that may be preferred to them.

The same course to be followed by Salt Agents.

XV. When any process or order shall be issued by the Courts of Civil Judicature, or the Magistrates, to a Salt Agent, or his assistant, the Judge or the Register to the Court, is to forward it under a sealed cover, addressed to the Agent, or assistant, and superscribed with his official attestation. The Agent, or his assistant, is immediately to acknowledge the receipt of the order, or process, by an endorsement to that effect on the back of it, and is to return it under a sealed cover, addressed to the Judge, or Register.

Process of Courts of Justice how to be issued to Salt Agents and assistants.

XVI. The Agents, their covenanted and uncovenanted assistants, and head officers of aurungs shall not be liable to prosecution for any official acts of their predecessors. But persons who may be removed from an agency, or an assistantship, or the appointment of head officer of an aurung, are to carry on, in the same manner as if they had continued in the office, all suits instituted against them in their official capacity,—unless the Board of Customs, Salt and Opium, upon a consideration of the circumstances of the cases, shall deem it advisable to order the Agent for the time being to carry on the suits. This rule however is not to extend to suits in which an Agent, or a covenanted or uncovenanted assistant, or head officer of an aurung, who may have been removed, shall have been engaged in virtue of the orders from the Board of Customs, Salt and Opium, or the Governor General in Council. All such suits are to be carried on by the Agent for the time being at the risk of Government.

Salt officers not liable to be prosecuted for acts of their predecessors.

Suits to be defended by the individuals against whom the prosecution may be instituted.

Exception.

XVII.

Rules for facilitating the communication between Salt Agents or their officers and the vakeels of the courts.

XVII. To facilitate the communication between the Agents and their assistants, and head officers of aurungs and the vakeels in the Zillah or City Courts, or the Provincial Courts of Appeal, and the Sudder Dewanny Adawlut, who may be entrusted with the conduct of any suits, or appeals in which they may be engaged in their official capacity, either whilst they may continue in the office, or after their removal from it, they are permitted to forward free of postage, any instructions which they may have occasion to transmit to the vakeels of those courts. The instructions are to be enclosed under a sealed cover, directed to the vakeel. The instructions so sealed and directed are to be transmitted under a sealed cover, addressed to the register of the court in which the cause may be depending, and are to be superscribed with the name and the official designation of the person dispatching them, or that which he bore when the cause of action arose. The register of the court, immediately on receiving the instructions, is to deliver them sealed to the vakeel to whom they may be directed. In like manner, the vakeels in any of the courts to whom the pleading of such suits, or appeals may be committed under this Regulation, by persons holding or having held the office of Agent, assistant, or head officer of an aurung, are authorized, either whilst their constituents remain in such office, or after they shall have been removed from it, to forward any papers which they may have to convey to their constituents by the public dawk, free of postage. The papers are to be enclosed in a cover, sealed with the seal of the vakeel, and the Judge or the register of the court, is to transmit the papers so sealed in a cover, addressed to the person to whom they are to be forwarded, and subscribe the cover with his official signature.

Suits may be prosecuted or defended by the Board

XVIII. In cases in which the Board of Customs, Salt and Opium, may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they

they shall take upon themselves the superintendence of the prosecution, or defence of any suit or appeal in which they or their officers may be engaged, either in a Zillah or City Court, or Provincial Court of Appeal, or the Sudder Dewanny Adawlut, instead of leaving the superintendence of the conduct of the suit, or appeal, to the agent, or any other officer. And in all such cases as well as generally in all suits and other matters relating to judicial process, it shall be competent to the said Board to avail themselves of the services of the superintendent and remembrancer of legal affairs, in such manner as they may deem expedient.

With the aid when requisite, of the superintendent of legal affairs.

XIX. Persons actually employed in the Salt manufacture, who cultivate or rent lands, are to pay according to their pottahs or engagements in the same manner as other ryots or renters, and under the same rules and regulations, with the exceptions specified in the second clause of the following Section, as to the mode of demanding and enforcing payment of arrears during the manufacturing season, which is to be considered as commencing on the first day of Kautic, and ending on the last day of Assar.

Persons engaged in the Salt manufacture, to pay the rent of lands cultivated or occupied by them, like other ryots.

XX. *First.* To prevent unnecessary interruption to the manufacture, and at the same time that persons employed in it, may not withhold the rents justly due from them for lands which they may rent, or cultivate, the following rules are prescribed.

But to prevent interruption to the Salt manufacture, and to secure the payment of rents,

Second. From the beginning of Kautic to the end of Assar, no person under engagements, and employed in the Salt manufacture, shall be liable to be arrested for a demand of rent, nor to be summoned to the cutcherry of any proprietor, or farmer of land, or any person holding, or entrusted with the collection of the rents, or revenue of lands, or the management thereof, under

Certain rules enacted.

der any pretence whatever. If any such proprietors, farmers, or other persons aforesaid, shall have a claim for, or relating to rent on any persons so engaged, and employed, and shall be desirous of enforcing it during the period abovementioned, they shall either distrain for the amount, under the existing regulations for levying distress for the recovery of arrears of land rent, or sue the stated defaulter for it in the Dewanny Adawlut, or state their claim in writing to the Agent, who, if he shall deem it expedient so to do, shall cause the stated defaulter to satisfy it himself, and stop the amount by kistbundy from his future advances; so that his labour on account of the manufacture may not be interrupted. If the claimant shall prefer applying in the first instance to the Agent, and he shall not afford satisfaction for the claim, the claimant must distrain, or commence a civil prosecution as above pointed out. But the Salt advances, or implements belonging to the Company in the hands of the defaulter, shall not be held liable for the claim, nor shall they under any pretence whatsoever, be distrained, seized, sold or otherwise disposed of by the claimant, or by the Court, in satisfaction of his demand.

Forms to be observed in suits instituted against officers or persons employed in the Salt manufacture.

XXI. *First.* Persons instituting suits in the Dewanny Adawlut against any of the officers of the Agents, or any individuals under engagements on account of the Salt manufacture, and employed therein, are to specify their being so engaged and employed. If the notice or summons is to be served during the months of Sawun, Bhadoon, and Assin, it shall be served on the Defendant, in the same manner, as on other defendants not employed in the Salt manufacture. If the notice or summons is to be servedbetween the commencement of Kautic, and the end of Assar, the notice or summons with a copy of the complaint shall be enclosed in a sealed cover, addressed to the Agent, and superscribed with the official signature of the Judge or Register.

gister. It shall be at the option of the Agent to execute, or to cause one of his officers, or any other person, whom he may think proper, to execute the security required from defendants, in cases in which such security may be considered necessary, or to leave the party to find the required security; and in the latter case, and in the event of the summons being committed to an officer of the court, if the officer shall entertain doubts of the responsibility of the surety so offered, and the Agent shall declare such surety to be responsible, the officer shall accept the security. If a requisition of security for appearance should be made, and the Agent should not deem it expedient to order any of his officers or any other person to become security, and the defendant himself should not be able to find such security, as the Agent may deem responsible, the Agent is to cause the party summoned to accompany the officer of the court to the court, or if the summons shall not have been committed to the charge of an officer, he shall cause him to be conveyed before the court.

Further rules with regard to the mode of furnishing security for such persons.

Second. The Salt Agents are to empower their respective assistants, whether covenanted servants of the Company or European uncovenanted assistants, and also an authorized vakeel of the Dewanny Adawlut, or any other person whom the Agents may think it proper to station at the place, at which the court may be held, to execute the securities specified in the preceding clause for persons employed in the Salt manufacture. The Agents are to be careful to keep the Judge furnished with a list of the persons so empowered, specifying also the place at which they may usually reside, and Judges are authorized in instances in which they may deem it proper, either from the distance of the place of abode of the Agent, from the place at which the person to be summoned may reside, or other circumstances, to order the summons to be enclosed to one of the persons so em-

powered

powered to become security, instead of transmitting it to the Agent himself under the first Clause of this Section—in which case such person shall proceed in the manner prescribed to the Agent, where the summons may be sent immediately to him.

Ditto when a notice or summons may be served in the ordinary form on such person.

Third. If a suit shall be preferred in the Dewanny Adawlut against any of the officers of the Agents, or any person under engagements on account of the Salt manufacture, and employed therein, without specifying that he is so engaged, and employed, and a notice, or a summons shall in consequence be ordered to be served on him in the same manner as on other defendants, between the commencement of Kautic and the end of Assar, the officer serving the notice or summons, on the circumstance of the defendant being so employed being notified to him by the Agent or any of his officers, or by the defendant himself, shall deliver such notice or summons to the nearest person empowered to execute securities, whether the Agent, or his covenanted or uncovenanted assistants, or the head officer of an aurung, who shall proceed in the manner prescribed to the Agent in clause first of this Section. If an officer charged with a summons against any person of the above description shall receive the notification of the defendant being employed in the manufacture from the defendant only, and shall entertain doubts of his being so employed; or if he shall not entertain any such doubts, but shall apprehend that he will abscond whilst he (the officer) is repairing with the summons to the person empowered to execute the securities; he shall in such case, carry the defendant with the summons to the person so empowered, and shall not release his person until the required securities have been executed.

Rules of process against such persons when charged with a bailable offence.

Fourth. In cases in which a person under engagements on account of the Salt manufacture, and employed therein, shall be charged before the Magistrate with a bailable offence, and the warrant

warrant shall be ordered to be served at any period between the commencement of the month of Kautic and the end of Assar, the warrant shall be served in the manner directed in the preceding clauses with regard to summonses in civil cases, with this difference, that the warrant shall require the party summoned to appear in person, or by vakeel, as the Magistrate may think proper, either during or after the manufacturing season, and shall specify the sum for which the security or recognizance for the appearance of the defendant is to be given; the amount of which shall be regulated by the Magistrate, according to the nature of the offence, and the situation and circumstances in life of the defendant.

Endorsement to be made on process issued under the preceding rules.

Fifth. In all the cases specified in the preceding clauses of this Section, the Agent or his covenanted or uncovenanted assistants or head officer, through whom the summons or warrant may be served, shall note on the back of it in what manner it has been served, and by whom the security has been executed.

Process on criminal charges of a nature not bailable against such persons.

Sixth. If a charge shall be preferred to a Magistrate against any of the officers of the Agents, or any person under engagements on account of the Salt manufacture, and employed therein, for an offence that is not bailable, and there shall appear to the Magistrate sufficient ground for apprehending the person so charged, the warrant for his apprehension shall require him to appear immediately in person, and shall be executed at all times in the same manner as upon persons not so engaged or employed. But the officer after securing the offender, is to give notice thereof to the Agent, or head officer of the nearest aurung, or place of manufacture.

The Agent to be held personally answerable for the performance of the condition of security for

Seventh. In all cases in which the Agents or their head officers empowered for that purpose, shall become surety under any

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appearance, which may be given by himself, or authorized officers, under this Regulation.

of the clauses of this Section for the appearance of any officer or person employed in the Salt manufacture, or shall declare any person whom the party summoned may offer as surety to be responsible, the Agent is to be considered personally answerable for the due performance of the conditions of the security, in the event of the party for whom the security may be given not performing them himself, or, where the party himself shall have given the security, and it shall have been declared responsible by the Agent or his officers, in the event of the party, or such surety, not performing them. It will accordingly be the business of the Agents to take care to employ creditable persons only as head officers to superintend the business of the aurungs and to become security, and to furnish them with proper instructions, and to take such security from them as they (the Agents) may deem sufficient to indemnify themselves for the consequences that may result from any abuse which such officers may commit in the exercise of their trust.

Notices to witnesses how to be issued, when such witnesses are employed in the Salt manufacture.

Eighth. Notices to officers or other persons employed in the Salt manufacture to appear as witnesses, shall be served during the manufacturing season in the same manner as if they were parties in the cause, but the Judges are to be careful not to issue notices to such officers, or persons, excepting when their attendance shall be necessary; and on their appearance, to have them examined and dismissed with all practicable dispatch, so that they may be absent from the business of the manufacture as short a time as possible.

Penalty for the improper application of the foregoing rules by Salt Agents and their officers.

Ninth. The Agents, their assistants, uncovenanted European and Native officers, are declared liable to be sued in the Dewanny Adawlut, should they apply any of the rules in the preceding clauses of this Section, regarding notices, summonses and warrants issued against persons employed

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in the manufacture of Salt, to persons not bonâ fide so employed; and as the rules contained in those clauses are intended only to prevent unnecessary interruptions to the manufacture, where it can be avoided without impeding the course of justice, the Judges and Magistrates are empowered in particular cases in which it may appear to them indispensably necessary for the purposes of justice, to order the personal attendance of any Native officer or person in any wise concerned or employed in the Salt manufacture, whether he may be a party or a witness in the suit or prosecution, at any time during the manufacturing season, notwithstanding any thing that may be said to the contrary in those clauses, and to cause process to be executed upon him for that purpose, in the same manner as upon other individuals; but in such cases, the Judges and Magistrates are to record on their proceedings, their reasons for deviating from the provisions contained in the said clauses, which are to be considered as the general rules for issuing and executing such notices, summonses and warrants; and in the notice, summons or warrant, they are to specify that it has been specially ordered to be so executed in virtue of the discretionary power vested in them by this clause, and they are moreover strictly enjoined to refrain from every unnecessary exercise of that power.

The observance of the rules in question may be dispensed with in special cases by the courts of justice.

But reasons for the deviation to be assigned.

XXII. If a decree shall be passed against a native officer, or any person under engagements on account of the Salt manufacture, and actually employed in it, and the court shall order the decree to be enforced at any time between the commencement of Kautic and the end of Assar, recourse may be had to his property, but his person shall not be attached or molested during that period. At the close however of the manufacturing season, the Agent shall be responsible for his appearing before the court, if required, but the Salt, or the advances, or any implements belonging to the Company, which may be in his hands shall not be liable

Decrees against native officers and persons employed in the Salt manufacture, how to be executed.

liable for the decree. But during Sawun, Bhadoon and Assin, and also in the manufacturing season, if the Salt Agent shall signify to the Judge, through an authorized vakeel of the court, that their attendance is not required in the business of the manufacture, the persons of all such individuals so employed, shall be equally liable with their property for decrees.

Superintendents to furnish to the zillah courts, lists of chokies and officers employed at them.

XXIII. Superintending officers of the chokies are to be careful to keep the several Judges and Magistrates in whose jurisdictions the chokies are stationed, furnished with lists of the chokies, pointing out their situations and specifying the names of the officers attached to them, and in the event of any change taking place in the situation of a chokey, or among the officers belonging to a chokey, the same shall be immediately notified to the Judge.

Rules to be observed on the institution of suits against such officers.

XXIV. Persons instituting suits in the Dewanny Adawlut against any of the officers of the salt chokies, are to specify the nature of their employment, and the notice or summons to be served upon such officers, with copy of the complaint against them, shall be enclosed in a sealed cover to the superintendent of the chokey to which the party may be attached, who will, without delay, cause the notice to be served in the regular manner, or send persons to take charge of the chokey, and cause the party when summoned to accompany the officer of the court to the court, or if the summons shall not have been committed to the charge of an officer, he shall cause such party to be conveyed before the court.

Ditto when such persons are charged with bailable offences.

XXV. In cases in which an officer of a Salt chokey shall be charged before a Magistrate with a bailable offence, the warrant shall be served in the manner directed in the preceding Section with regard to the summons, and the party to whom the warrant may be sent under cover, shall cause the officer summoned

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to give the requisite bail, or immediately to appear in person, or by vakeel, as the Magistrate may think proper to require in the warrant.

Or with offences not bailable.

XXVI. If a charge shall be preferred to a Magistrate on oath against any of the officers of the chokies, for an offence that is not bailable under the Regulations, and there shall appear to the Magistrate sufficient ground for apprehending the persons so charged, the warrant for their apprehension shall be executed at all times in the same manner as upon persons not chokey officers. But the officer of the court, after securing the offender, is to give notice thereof to the superintendent of the chokey to which the offender is attached.

Ditto when summoned as witnesses.

XXVII. Requisitions to officers of the Salt chokies to appear as witnesses shall be served in the manner above prescribed in Section XXIV. of this Regulation, but the Judges are to be careful not to summon such officers, excepting when their attendance shall be necessary, and on their appearance they are to have them examined and dismissed with all practicable dispatch, so that they may be absent from their chokies as short a time as possible.

Discretion vested in the courts to deviate from the foregoing rules.

XXVIII. The discretionary power granted by the ninth Clause of Section XXI. of this Regulation, to Judges and Magistrates in special cases of persons concerned in the provision of Salt under a Salt Agent, is hereby declared to be equally vested in those authorities, in regard to persons employed in the chokey department.

Decrees against chokey officers how to be executed.

XXIX. If a decree shall be passed against an officer of a Salt chokey, and the court shall order the decree to be enforced, recourse may be had to his property; but his person, if attached,

ed, shall not be removed without previous notice being given to the party under whose superintendence the officer acts, that another person may be immediately deputed to take charge of his place during his absence.

Penalties to which all persons concerned in, or conniving at the illicit manufacture of Salt, shall be subject.

Alimentary Salt not to be manufactured except on account of Government or with their sanction.

XXX. Alimentary Salt shall not be made in the provinces of Bengal, Behar or Orissa, excepting on account of Government, or with their sanction; and all Salt made in breach of this Regulation, shall be forfeited, and the parties offending shall be liable to the penalties hereinafter prescribed.

Penalty for breach of the above rule.

XXXI. Any person who shall manufacture Salt in opposition to the above prohibition, or shall directly or indirectly be concerned in, or in any way encourage or promote such illicit manufacture, shall forfeit for each kalary or Salt work established by him or with his connivance, such sum not exceeding Rupees five hundred as may appear reasonable and sufficient with reference to the circumstances of the case and the condition in life of the offender; and each fire or fire place applied, used or prepared for the manufacture of Salt, shall be held to constitute a separate kalary within the meaning and intent of this Regulation. In addition to the above penalties, the offender shall be liable to imprisonment for a period not exceeding six months.

Zemindars, Farmers, &c. accountable for preventing such illicit manufacture on their estates or farms, &c.

XXXII. All zemindars, talookdars and other proprietors of land, whether malgoozary or lakheraj; all sudder farmers and under-renters of land of every description; all dependent talookdars; all naibs, gomastahs, and other local agents; all sezawals, tehsildars and other native officers employed in the collection of the revenue and rents of lands on the part of Government,

vernment, or the court of wards, are hereby declared accountable for preventing to the utmost of their power, the illicit manufacture of Salt within the limits of the estate or farm held or managed by them, and for giving the earliest information to the Salt Agents, superintendent of Salt chokies, and officers in charge of such chokies, whenever it may come to their knowledge that a kalary or Salt work has been established, or is about to be established within the estate or farm held or managed by them.

Penalty for connivance on their own part.

XXXIII. Any landholder or other description of persons above noticed, to whom such responsibility is declared to attach, who may wilfully and knowingly omit to give the information hereby required to the nearest chokey officer, Salt Agent or superintendent of Salt chokies, shall be held to have connived at the illicit manufacture, and the party so offending shall on proof of such neglect, be liable to a fine not exceeding five hundred Rupees for each and every kalary or salt work established within the estate or farm held or managed by them. If the party offending be an officer of Government, he shall, in addition to the above penalties, be further subject to dismission from office; provided also, that all zemindars, managing their estates through gomashtahs or other agents, shall be subject to the same penalty for any neglect or connivance on the part of such agents, as if they had themselves been guilty of the offence.

Or on that of their managing agents.

All native officers of Government to aid in suppressing such illicit manufacture.

XXXIV. All native officers of Government of whatever description, including all chokeedars, pykes and other officers of village police, are hereby strictly enjoined to assist in suppressing the illicit manufacture of Salt, by giving instant information to the authority to whom they are immediately subordinate, whenever it may come to their knowledge that any illicit kalary or Salt work has been, or is about to be established, in any village or villages, and if any officer aforesaid shall neglect to give information

information as above directed, or shall in any respect connive at the illicit manufacture of Salt, such officer shall besides being liable to dismission from office, be further subject on conviction to the payment of a fine not exceeding five hundred Rupees for each kalary or Salt work, established or worked with his knowledge or connivance.

Penalty on failure.

Information received by Magistrates of illicit manufacture to be reported to the Salt Agent or superintendent.

XXXV. Magistrates or other authorities who may receive information of the establishment of any illicit kalary, shall immediately transmit the information so received to the nearest Salt Agent or superintendent of Salt chokies.

Rules regarding the transportation and sale of Salt.

What Salt to be considered contraband.

XXXVI. *First.* All Salt exceeding five seers in quantity, not being Salt actually belonging to Government, which may be found within the limits of the Salt chokies established in the provinces of Bengal or Orissa, not covered by a rowannah or char chitty, nor protected by a special pass from the Board of Customs, Salt and Opium, shall be held to be contraband, and as such shall be seized and confiscated; and the person or persons in whose possession such Salt may be found, as well as the Owners thereof, shall be liable to a fine not exceeding five Sicca Rupees per maund of eighty-two Sicca weight to the seer, for each, and every maund of contraband Salt so seized and confiscated. Provided also, that if any dispatch of Salt covered by a rowannah or other document aforesaid, shall be laden on more than one boat, or more than one karroo of bullocks, then and in that case there shall be required in addition to the rowannah, or char chitty or special pass, from the Board of Customs, Salt and Opium, a separate chellaun for each and every one of such boats or karroos of bullocks on which the Salt may be laden; and any Salt found under the above circumstances, unaccompanied with said document, shall be seized

Penalties on owners and possessors of such Salt.

Rowannahs requisite.

Penalties in cases when the requisite Rowannahs are not forthcoming.

seized and confiscated, together with the boats or bullocks on which it may be laden.

Second. Rowannahs granted to the purchasers of Salt at the public sales shall have affixed to them the seal of the Salt office and the signature of the Secretary to the Board of Customs, Salt and Opium, or one of the covenanted assistants attached to that Board.—They shall specify the quantity of Salt intended to be transported under them, the date of the sale, and number of the lot in part or in full of which the Salt is deliverable, the name of the purchaser, the place whence the Salt is deliverable, the mode of conveyance, the place to which the Salt is to be transported, and the route by which it shall be conveyed; such rowannahs are to be current for only one year from their date, after which they shall be wholly null and void, and shall in no degree protect any Salt which they may accompany:—Provided however, that if the owner of any Salt covered by or specified in a rowannah and which shall not have been consumed or exported beyond the limits of the chokies, shall within the said period of one year apply to the Board of Customs, Salt and Opium, for a renewed rowannah; the Board shall grant such rowannah for a further period of one year, on being satisfied of the existence and identity of the Salt, and it shall likewise be competent to the Board aforesaid to grant under similar conditions renewed rowannahs for such further successive periods of one year, as to them shall seem fit, or to refuse the renewal, and on the expiration of the second year from the date of the original rowannah, to pass such orders in regard to the disposal of the Salt as they may judge proper, whether the same be lodged in the Company's golahs or otherwise.—Renewed rowannahs shall of course contain the same particulars as those specified in the original rowannah above described, with a reference also to the registered number of the said original rowannah.

Form and contents of rowannahs.

Rowannahs may be renewed in certain cases

Third

Rowannahs may be exchanged or divided on application to the Board.

Third. Should the purchaser or proprietor of Salt be desirous of dividing the lot covered by a rowannah or exchange rowannah into two or more dispatches, of quantities exceeding one hundred maunds each, he shall as heretofore be entitled on application at the Board of Customs, Salt and Opium, to receive as many exchange rowannahs as he may require, subject to the conditions above specified in the case of renewed rowannahs.

Form and contents of chellaans.

Fourth. The chellaun in all practicable cases shall be signed by the Agent or other European officer in charge of the golahs, as well as by the darogah or other head native officer of the golah station at which the Salt shall be delivered. The chellaun shall specify the quantity of Salt laden on the boat, vessel or karroo of bullocks, the date of the sale, and number of the lot in part or in full of which the Salt is delivered, the name of the original purchaser at the sale, and of the present proprietor of the Salt, the number of the rowannah by which the Salt is covered, and the total quantity of Salt covered by the same, the name of the gomastah who shall receive the salt, of the proprietor of the boat, vessel or karroo of bullocks on which the Salt shall be laden, and of the manjee, sarang or sardar in charge of such boat, vessel or karroo, the description, burthen and number of oars of the boat or vessel, and the number of bullocks in the karroo, also the place of destination of the Salt.

Form and contents of char chitties.

Fifth. A char chitty should have affixed to it the signature of the darogah or moburrir of the Salt chokey from whence it was issued, and should specify the quantity of Salt covered by it, which quantity must be less than one hundred maunds of eighty-two sicca weight to the seer, and also the time for which it is current, which is never to exceed six months; the char chitties should further specify the number of the rowannah

from

from which the Salt is written off, and the limits within which the Salt is to be sold.

Sixth. Char chitties shall be current only within the limits subject to the controul of the darogah by whom they shall have been granted, and shall not cover Salt in its transit through the chokies subordinate to any other darogah.

Char chitties current to what extent.

Seventh. Should any person be desirous of consigning or carrying a dispatch of Salt not exceeding one hundred maunds, being part of a lot covered by a rowannah, renewed or exchange rowannah, to any place beyond the line of the chokies within which the Salt may be stored, he shall on identifying the Salt be furnished by the darogah of the chokies with an atrafee rowannah to protect it in its passage to the place of its destination; the currency of an atrafee rowannah shall in no case exceed the period of six months.

Atrafee rowannahs in what cases to be granted.

Eighth. The several darogahs shall be supplied with such number of atrafee rowannahs as may be found requisite from the Salt office, and all such documents shall, previously to their being issued to the darogahs, be duly registered, signed, and sealed by the Secretary to the Board of Customs, Salt and Opium, or one of the covenanted assistants attached to the Board, in the mode which is now observed in regard to all rowannahs renewed, and exchange rowannahs.

How to be attested and furnished.

XXXVII. *First.* The agents of the different Salt divisions and other officers in charge of the Hon'ble Company's Salt, shall furnish the proprietors of Salt that shall be cleared out from any of the golah stations under their respective charge, or the agents of such proprietor, with a chellaun for every boat, vessel or karroo, or division of bullocks, that may be laden with Salt.

Chellaun by whom and how to be furnished.

Second.

Correctness of chellauns by whom to be certified.

Second. The proprietor of the Salt or the person receiving the same from the golah stations on his account, shall certify at the foot of the chellaun that it has been duly and correctly drawn up.

Chellauns, rowannahs and atrafee rowannahs, to be kept with the Salt, ready to be produced on demand.

If not so produced, Salt liable to confiscation.

XXXVIII. All persons in charge of Salt are required to keep their chellauns constantly on board of their boats, or vessels, or with the bullocks on which the Salt described in the chellauns may be laden, to produce the chellauns at a moment's warning to any officer of Government duly authorized to attach illicit Salt, who may demand a sight of them. And it is hereby declared that any Salt laden on any boat, vessel or karroo of bullocks, which may be attached, for which a proper chellaun shall not be instantly produced, or the chellaun accompanying which shall not correspond in every particular with the Salt, and also with the rowannah covering the Salt, shall be confiscated; and if in any case the rowannah stated to cover a dispatch of Salt shall not be produced within twenty-four hours after being required by an officer authorized as aforesaid, the Salt shall be held to be contraband and confiscated as such, unless the most satisfactory reasons be assigned for the delay in the production of the rowannah:—Provided also, that in any cases in which a small dispatch of Salt conveyed in a single boat, or by a single karroo of bullocks, shall be covered by a rowannah or atrafee rowannah without being accompanied by a chellaun, the rowannah or atrafee rowannah shall always be kept with the Salt which it covers, and any delay in producing it on the requisition of an officer authorized to attach illicit Salt, shall render the Salt which it purports to protect, liable to confiscation, as contraband, unless the cause of the delay be explained: Provided also, that in the several cases above specified, the person or persons in whose possession the Salt may be found, shall be liable to the same penalty as is prescribed by Section XXXVI. for the illicit possession of Salt.

XXXIX.

XXXIX. Darogahs of Salt chokies shall personally examine and coot all despatches of Salt passing their respective chokies, and after having ascertained that the Salt and boats and vessels correspond with the description given of them in the respective passes belonging to them, they shall certify the same, together with the date of the examination on the back of the chellauns. The said darogahs are prohibited from deputing peons or other inferior officers, to execute the duty of cooting and examining the Salt, and from causing the chellauns, or other documents by which the Salt is covered, in any case, or under any pretence whatsoever, to be removed from on board the boat, or vessel containing the Salt.

Dispatches of Salt by whom to be examined.

XL. No Salt which may have been transported beyond the limits of the chokies, shall be again brought within those limits, excepting under a fresh rowannah granted specially for the purpose, under the authority of the Board of Customs, Salt and Opium, by the Secretary, or some other covenanted officer attached to the Board. Any Salt brought within the limits of the Salt chokies in violation of the above prohibition, shall be forfeited; and the parties in whose possession it may be found, shall be liable to the penalty prescribed in Section XXXVI. for the illicit possession of Salt: Provided also, that it shall be competent to the said Board to withhold or grant such rowannahs, as they may in each instance see fit.

Salt transported beyond the limits of the chokies, not to be brought within those limits, without fresh rowannahs.

Penalties for breach of the above rule.

XLI. If any person shall attempt to transport within the limits specified in Clause First, Section XXXVI. of this Regulation, by land or by water, under a rowannah, chellaun, renewed or exchange rowannah, atrafee rowannah, or special pass from the Board of Customs, Salt and Opium, a greater quantity of Salt than shall be specified in the rowannah, or other document aforesaid, the excess so attempted to be transported, as well as the

Dispatches of Salt to be held contraband if they exceed the amount designated in the rowannahs or other papers, in more than two and a half per cent.

the quantity specified in the rowannah, or other document aforesaid, shall, if the surplus be found on weighing to exceed two and a half per cent. on the quantity so specified, be held to be contraband, and shall be seized and confiscated as such; and the gomastah or other person in charge of the Salt, shall on proof of the fact, be subject to a fine of ten Rupees for every maund of Salt in excess of the quantity stated in the rowannah, or other document aforesaid.

Penalty if the Salt exceed the amount specified in the char chitty.

XLII. In like manner if any quantity of Salt, accompanied by a char chitty, shall be found to exceed that mentioned in the char chitty, a fine of ten Rupees shall be levied on every maund of Salt so found in excess, from the proprietor.

Penalties on persons convicted of falsifying rowannahs and other documents for the purpose of smuggling Salt.

XLIII. Any person convicted of having fraudulently sold, given, or purchased rowannahs, renewed or exchange rowannahs, atrafee rowannahs, chellauns, char chitties or passes, or of having illicitly altered, attested or endorsed, such documents, or of having engaged in or connived at clandestine or fraudulent dealings, with respect to rowannahs, renewed or exchange rowannahs, atrafee rowannahs, chellauns, char chitties, or passes, for the purpose of smuggling Salt, either with the person in whose name the rowannah, or either of the aforesaid documents, shall have been taken out, or with any other person or persons concerned in such transactions, shall forfeit to Government a sum of five hundred Sicca Rupees on every hundred maunds of Salt specified in the said rowannah, renewed or exchange rowannah, atrafee rowannah, chellaun, char chitty, or pass.

Salt boats to be registered by the agents in what cases.

XLIV. All boats, sloops or vessels of any description, employed in transporting from the Company's golahs, Salt sold or to be sold at the Company's sales, shall be registered by the Salt Agent of the division to which the boats, sloops, or vessels, may proceed to receive Salt.

XLV.

XLV. *First.* Salt not proceeding by the route and to the place specified in the rowannah, renewed or exchange rowannah, atrafee rowannah, or chellaun, shall be held to be contraband; although accompanied by a rowannah, renewed or exchange rowannah, atrafee rowannah, or chellaun, the Salt shall be confiscated, and the parties in whose possession it may be found, shall be liable to the penalty prescribed in Section XXXVI. for the illicit possession of Salt.

Salt not proceeding to the place and by the route prescribed in the rowannah or other papers, to be held to be contraband.

Second. All persons therefore who, after taking out a rowannah, renewed or exchange rowannah, or atrafee rowannah, for any dispatch of Salt, may be desirous of consigning or carrying the Salt, or any portion of it, to a place or by a route other than the place or route specified in such documents, shall apply for a fresh rowannah of the same description as the rowannah possessed by them, to the Board of Customs, Salt and Opium, which Board shall grant the same, subject to the general rules above prescribed for renewed rowannahs.

Fresh rowannahs therefore must be taken out when the destination of the Salt is to be changed.

XLVI. *First.* All proprietors of Salt covered by a rowannah, renewed or exchange rowannah, special pass, atrafee rowannah or char chitty, who may sell or otherwise dispose of any portion of such Salt, within the line of the Salt chokies, are required daily to certify on the back of the rowannah or other document aforesaid, the quantity sold or disposed of by them, and when practicable they shall as heretofore obtain the attestation of the nearest chokey darogah.

Rules to be observed when any portion of Salt covered by a rowannah or other document is sold within the line of chokies.

Second. Any person neglecting or omitting to comply with the above provision, shall be subject to a fine of five Rupees for every maund of Salt which may be proved to have been sold, and not to have been written off in the manner above directed; and

Penalty on failure to observe those rules.

and it shall be competent to the Salt Agent and Superintendent to whom information of any breach of this rule may be given, to detain as security for the eventual liquidation of the said fine, two maunds of Salt for every maund irregularly sold or disposed of. In like manner persons who may accidentally lose any portion of a dispatch of Salt within the said limits, are hereby required under the like penalty, to write off in the manner aforesaid the quantity of Salt lost by them, and to obtain the attestation of the nearest chokey darogah as above prescribed.

If the whole be sold within the limits of the chokies, or any part carried beyond the chokies, the document which covered it to be delivered up.

Third. Should the whole of any dispatch of Salt be disposed of within the limits of the chokies, the rowannah, atrafee rowannah, or char chitty, covering the Salt, shall be delivered up to the darogah of the chokey within which the last parcel of the Salt shall have been disposed of; or in the event of the whole quantity of Salt covered by any of the aforesaid documents, or any part thereof, being carried out of the control of the Salt chokies, the rowannah or other document shall in that case be delivered up to the darogah of the last chokey which the Salt may have to pass. It shall be the duty of the darógahs to transmit all rowannahs and atrafee rowannahs which may come into their possession, to the office of the Secretary to the Board of Customs, Salt and Opium, in order that they may be there examined and compared.

Penalty when documents may be retained in breach of the foregoing rules.

Fourth. Any person who, in disregard of this rule, shall retain, or in whose possession any of the aforesaid documents shall be found after the Salt for which they were taken out shall have been sold or carried out of the chokey, and who may not be able to account for omitting to surrender them, shall on conviction forfeit to Government the sum of one Rupee per maund on the quantity specified either in the rowannah, renewed or exchange rowannah,

rowannah, or atrafee rowannah, which may be in his possession.

Fifth. Fees shall be levied on the issue of rowannahs and exchange rowannahs as heretofore, at the rates specified in the list of fees annexed to this Regulation, and on the issue of atrafee rowannahs, the chokey darogahs shall levy a fee of four Annas for each, and shall remit the amount of the fees so collected to the Salt office, at such times and in such manner as the Board of Customs, Salt and Opium, shall direct.

Fees to be levied on the issue of certain documents.

XLVII. Whenever any dispatch of Salt covered by a rowannah, renewed or exchange rowannah, atrafee rowannah, chellaun or char chittee, shall pass any Salt chokey, the rowannah or other document aforesaid shall be endorsed by the chokey darogah, previously to its being passed, and if any Salt shall be carried past any chokey, without the rowannah or other document being so endorsed, the Salt shall be liable to seizure and confiscation, in like manner as if it was unaccompanied by a rowannah. Any darogah refusing or delaying, without sufficient cause, to give the requisite endorsement on a rowannah or other of the documents aforesaid covering Salt in transit past his chokey, shall be liable to such fine not exceeding five hundred Rupees as may be adequate to the offence, and to the injury sustained: two thirds to be paid to the owner of the Salt, and one third to be carried to the credit of Government.

Officers of Salt chokies to endorse certain documents.

XLVIII. No Salt, not being Salt made by or on account of Government, shall be imported by land into any place within the provinces of Bengal, Behar or Orissa; and any person offending directly or indirectly against this prohibition, or knowingly having in his possession any Salt so imported within the said provinces, shall, in addition to the confiscation of the Salt,

Importation of Salt by land (not being Government Salt) into Bengal Behar or Orissa, prohibited

Penalties

Salt, forfeit the sum of ten Rupees for each and every maund of Salt so imported by him, or with his connivance.

The transportation of certain kinds of Salt beyond certain limits, prohibited.

XLIX. *First.* The transportation by water lower down the river Ganges than Ghazeepore, or by land, or by water to the right bank of the river Caramnassa, of any of the following descriptions of Salt, viz. Salumba, Balumba, Bopcha, Sumbur, Doodwara, Lahore, Kasea, Kur, Nula, Namah, Geolia, Paut, or of any Salt manufactured or produced in any part of the province of Benares, the ceded and conquered Provinces, or the countries to the North and Westward thereof, is hereby strictly prohibited, and any of the said descriptions of Salt which shall be transported in the manner and within the places aforesaid, subsequently to the promulgation of this Regulation, or which shall be found within the said places, six months after that date, shall be confiscated, together with the boats or vessels, bullocks or carriages, on which the said Salt may be laden.

Penalty.

Further penalties in such cases, on proprietors of such Salt.

Second. Proprietors of any of the descriptions of Salt specified in the preceding Clause of this Section, which may with their knowledge be transported within the limits therein described (subsequently to the promulgation of this Regulation,) or any person in whose possession any of the said descriptions of Salt may be found within those limits, at the expiration of the period above fixed, shall, in addition to the confiscation of the Salt, and the boats, bullocks or other cattle, and the carriages on which the Salt may be laden, pay a fine at the rate of ten Rupees per maund on the quantity of Salt so confiscated.

More than one maund of Salt of the descriptions above alluded to, not to be stored within certain limits.

L. It is further hereby enacted that no person shall import, transport, or store any quantity of the Salts described in the preceding Section, exceeding one maund of eighty-two Calcutta sicca weight to the seer, within the distance of eight coss from the

the limits of the districts of Shahabad or Sarun, and any Salt exceeding the above quantity, which shall be found at the expiration of six months from the promulgation of this Regulation, within the tract aforesaid, shall be liable to seizure by the Superintendent of Salt chokies in Behar, or other officer duly authorized in that behalf by the Governor General in Council, and shall be forfeited to Government.

Salt not to be exported by land from Cuttack into Midnapore, or other districts under the presidency of Fort William.

LI. The exportation of Salt by land from the province of Cuttack to Midnapore, or any other district subject to the control of the Bengal Government, is hereby strictly prohibited; and all Salt exported from the province of Cuttack, in disobedience to this prohibition, shall be confiscated, together with the boats, vessels, cattle and carriages, which may be used in the transportation on which the same may be laden.

Nor by sea, except on account of Government.

LII. The exportation of Salt by sea from the province of Cuttack, except on account of Government, is hereby strictly prohibited; and any Salt attempted to be exported in disobedience to this prohibition, shall be confiscated, together with the boat, doney or other vessel on which the same may be laden.

In addition to the confiscation of the Salt in the foregoing instances, the proprietors to be subject to a fine.

LIII. Proprietors of Salt which may be exported from Cuttack, in violation of the rules contained in the two preceding Sections, shall, on conviction, be subject to a fine of ten Rupees for every maund of Salt so exported.

Native officers of Government to suppress the sale, importation, &c. of such illicit Salt, under what penalties.

LIV. All Native officers of Government, of whatever description, and especially all such officers in the districts within which or in the neighbourhood of which, Salt is manufactured on the public account, or in those in which Salt chokies may be established, are specially enjoined, under pain of dismission from office, and the penalties herein

specially

specially provided, to assist in suppressing the illicit sale, purchase, importation, transportation, or possession of Salt, by seizing the same, if authorized to do so, or if not vested with the power of seizure, by giving immediate information to the authority to which they may be respectively subject, of all instances of such illicit sale, purchase, importation, transportation, or possession of Salt which may come to their knowledge.—Any Magistrate or other officer to whom such information may be given, shall immediately transmit the same to the Salt Agent, or superintending officer of Salt chokies.—Any Native officer aforesaid, who may neglect to give information in the cases above specified, or who may in any manner connive at the illicit sale, purchase, importation, transportation or possession of Salt, shall on conviction be liable to a fine not exceeding five Rupees for each and every maund of Salt, so sold, purchased, imported, transported, or possessed, with his knowledge or connivance.

Penalties on persons conveying contraband Salt.

LV. Manjees of boats, dandies, bullock drivers, coolies and other persons who may be convicted of knowingly conveying contraband Salt on account of others, shall on conviction be liable to imprisonment for a period not exceeding six weeks, and further to the payment of a fine not exceeding fifty Rupees.

Rules for preventing resistance to Officers seizing contraband Salt, and for applying for the assistance of the Police in effecting such seizures.

The offence of resistance to persons authorized to seize Salt how punishable.

LVI. Any person who may by force or threats prevent an officer of the Salt department, or other officer authorized to attach Salt, from effecting the seizure of any Salt suspected to be contraband or adulterated, or who may forcibly resist such officer in the execution of that duty, shall be liable on conviction before a Magistrate to a fine not exceeding two hundred Rupees. Parties offending shall further be liable, in the

the event of an affray or other breach of the peace occurring in consequence of their resistance, to be punished under the general rules applicable to such cases.

LVII. It is hereby further declared and enacted, that if any officer authorized to attach Salt shall have seized, or be about to seize any dispatch of Salt, on information or suspicion of its being contraband, or shall have effected, or be about to effect the attachment of the cattle, carriages or boats used in transporting such Salt, and shall have reason to apprehend forcible resistance, such officer shall apply to the nearest darogah to aid him in the execution of his duty; and all darogahs or other officers in charge of thannahs or chokies, to whom such application shall be made, or who may otherwise have reason to apprehend the occurrence of a breach of the peace in consequence of a seizure of Salt, shall immediately afford the requisite aid to effect the seizure and preserve the peace.

In what cases Police officers to assist in making the seizure.

LVIII. Such seizures shall be made on the responsibility and at the risk of the officers authorized to seize, and the Police officers shall not be competent to exercise any discretion in regard to the propriety or otherwise of the seizure which they may be called upon to support; but shall be careful to prevent any unnecessary violence.

The Police officers are not to judge of the propriety of the measure, but to prevent unnecessary violence.

LIX. The following special rules shall be observed in cases in which it may be necessary to enter and search dwelling houses, warehouses, or other premises.

Special rules for searching houses and premises.

LX. *First.* In cases where contraband Salt shall be suspected to be so deposited, the person giving the information shall, in the first instance, be required to give in to the Salt Agent, superintending officer of chokies, uncovenanted European assistant,

Nature of the information to be given in such cases.

or

or the head Native officer in charge of the aurung or chokey to which he may apply, a written statement, specifying the name of the person in whose house, premises or golah, the Salt is concealed, the name of the village, or place, and quantity of Salt to the best of his knowledge, and generally the grounds of his belief that illicit Salt is deposited in the village or place in question; after which, the Salt Agent, or superintending officer of chokies, in the event of there being strong grounds to think that illicit Salt is deposited in the premises of such individual, shall proceed to act upon the said information in the following manner.

Informer to be sworn and further examined.

Second. The Salt Agent or superintending officer of chokies (if the information shall have been laid immediately before them) shall swear the informer to the truth of his statement, and make such further inquiries from him on oath as may appear proper: if the Salt Agent or superintending officer of chokies shall see reason to credit the accuracy of the information, he shall send the informant accompanied by a responsible person of his own department to the nearest police thannah, with a requisition for the darogah, or person in charge thereof, to attend, or to depute a trust-worthy officer of the thannah to be present at the search of the premises, and render any assistance which may be found necessary.

If his information be credited, the police officers to be required to attend at the search.

Mode of proceeding when the information be laid before an European assistant or head native officer of an aurung or chokey.

Third. In cases in which the chokey or head station of an aurung shall be situated at a distance from the sudder station of the Agent or superintendent, or in which it may from any other cause be impracticable to lay the information directly before those officers, it shall be competent for the uncovenanted European assistant or head Native officer of an aurung, or chokey, to receive the same, and to carry the informant to the nearest Magistrate, where the station of the Zillah Court may be more conveniently situated than that of the Agent or superintendent,

and

and it shall be the duty of the Magistrate in such cases, after taking the deposition of the informant on oath, and otherwise satisfying himself that there are sufficient grounds for believing the information, to issue a warrant to the nearest darogah, authorizing and directing him to assist in the search in the manner above prescribed: Provided also, that the Magistrates shall in such cases take due precautions to avoid publicity or unnecessary delay.

Fourth. Should it be found necessary to break open the door of any house, or apartment, the darogah or other police officer is to be careful to use the same rules and precautions as are prescribed for his observance by Regulation XX. of 1817, in cases of distraint for rent.

Doors not to be broken open, except in the mode prescribed in cases of distraint for rent.

Fifth. The agency or chokey officer shall in all cases of search transmit to his immediate superior a full report of his proceedings. In like manner the police darogah shall in all such cases report his proceedings in due course to the Magistrate, and shall at the same time, countersign the report of the circumstances to be forwarded by the Native officer in the Salt department to his official superior.

Salt and Police officers immediately to report their proceedings to their respective superiors.

LXI. All officers of the Salt department are hereby strictly prohibited from forcibly entering of their own authority and unaccompanied by a police officer, the house or premises of any individual, where contraband Salt may be alleged to be concealed, nor shall any house, or apartment be broken open on account of illicit Salt, except on a statement verified on oath of more than one maund being concealed therein, and no police officer shall assist in any search, except on the requisition of a Salt Agent or superintendent, or under the warrant of the Magistrate.

Prohibition against forcible entry, except in the manner prescribed.

LXII.

Time of delivering a warrant or requisition to the police darogah to be noted.

LXII. The officer of the agency or chokey department, bearing a requisition or warrant as aforesaid, and the police officers receiving such requisition or warrant, shall specify in their respective reports the date and exact time when the requisition or warrant was delivered to the latter: and if any delay shall occur in effecting the search, the said officers shall record the circumstances at full length, in their respective reports.

Penalties and Fines for misconduct of Officers in the Salt department, Pykars, and others dealing in Salt.

Penalties on Salt officers for receiving fees or gratuities from molunghees or others concerned in the manufacture of Salt, or for withholding or appropriating advances.

LXIII. Officers of every description in the employment of Salt Agents or superintending officers of Salt chokies, are prohibited from taking or receiving any fee, gratuity, perquisite, or allowance, either in money, or effects, under any pretence whatever, from any molunghee, or other person employed, or concerned in the manufacture of Salt: and if any such description of person subject to the authority of the Salt Agent, or superintending officer, shall be convicted before the zillah or city magistrate, within whose jurisdiction the offence may have been committed, of disobedience to this prohibition, he shall be adjudged by the Court to refund the money or things so taken or received, and besides being dismissed from his office by the officer, or authority to which he may be subject, he shall be further liable to imprisonment for any term not exceeding six months, which the Court may judge proper, together with such fine (not exceeding five hundred Rupees for every one hundred Rupees in amount or value taken or received as aforesaid) as may appear adequate to his offence: Provided also that the above rule shall be held applicable to any officer entrusted with the payment of advances to the molunghees, who may under any pretence or colour whatsoever, appropriate to his own use the whole or any part thereof, or who may take or require from any molunghee

molunghee or other person employed or concerned in the manufacture of Salt, a receipt or other written acknowledgment for a larger sum of money, than may have been actually paid to him.

Certain officers convicted of embezzling or making away with Salt entrusted to their charge to be subject to the punishment inflicted for theft.

LXIV. Officers in charge of Salt golahs or any warehouse or other place in which Salt, the property of Government, is stored, who may embezzle any of the Salt received into any such golah or place of deposit entrusted to their charge, or who may knowingly permit any Salt so received to be carried from such golah or place of deposit, without an order from the Agent to whom he is subordinate, or who may so permit to be carried from such golah or place aforesaid a greater quantity of Salt than is specified in such order, or who may knowingly grant a receipt for a larger quantity of Salt than is received and stored by him, shall be held guilty of theft, and punished accordingly, on conviction before a competent criminal Court.

Security to be furnished by officers in the Salt department having charge of public money, Salt or other public property.

LXV. It shall be the duty of Salt Agents, and superintendents of chokies, on appointing any officer to situations involving the charge of public money or the custody of Salt, or any other public property, or to the situation of darogah or mohurrir of a Salt chokey, to require such officer to furnish two responsible sureties (hazir zamineee and mal zamince) in such sums as the Board of Customs, Salt and Opium, may direct. Officers already appointed to situations of the above description, and who have not furnished security as aforesaid, shall be required to do so within such period as the Board of Customs, Salt and Opium, may judge proper, and on failure to do so, shall be liable to dismission from office.

Penalties on Salt darogahs when guilty of certain acts.

LXVI. Darogahs in the Salt department, who may be convicted of conniving at smuggling, shall, besides removal from office and forfeiture of the amount of their securities, pay a fine

of

of ten Sicca Rupees on every maund of Salt, which shall have passed the chokies, of which they shall respectively be in charge, with their knowledge or connivance. Provided also that the parties shall be liable to imprisonment in the Dewanny jail, for such period not exceeding six months, as may appear adequate to the offence. Darogahs absent from their stations without leave, shall be responsible under the penalty prescribed in the first part of this Section, for any connivance at smuggling, which may be proved against the person to whom the charge of the chokies may be left by them.

Penalties on persons who may purchase or procure Salt in an illicit manner.

LXVII. Dealers in Salt, pykars, or others, making advances to molunghees, officers attached to the Salt department, or other persons, for the illicit manufacture, or delivery of Salt, or purchasing, or obtaining Salt from such molunghees, officers or persons, in an illicit manner, shall on conviction pay a fine of ten Sicca Rupees for every maund of such Salt, for which advances shall have been so made, or which shall have been so purchased, or obtained; and the Salt, if seized, shall be confiscated.

Penalties on officers or servants in the Salt department for certain acts of wilful misconduct.

LXVIII. If any officers, or servants, employed in the Salt department, or any other Native officer of Government, shall under any pretence, or by any means whatever, directly, or indirectly, cause Salt to be obtained from the manufacturers or other persons employed in the Salt department, otherwise than on account of the Government, or shall cause Salt to be manufactured for their own benefit, or knowingly permit such manufacture for the benefit of any other person, the Salt so obtained or manufactured shall be confiscated, and the officer or servant, so obtaining the Salt, or causing the Salt to be so manufactured, shall on conviction pay a fine to be calculated at the rate of Sicca Rupees ten for every maund of Salt so obtained or manufactured, and the officer or servant aforesaid shall further be liable to imprisonment for a period not exceeding six months.

LXIX.

LXIX. In cases in which the darogah shall be declared liable to the penalty specified in Section LXVI. the mohurrir of the chokey shall be considered to have connived with the darogah, and shall pay a fine of two Rupees eight Annas for every maund of Salt illicitly transported, unless it shall appear that such mohurrir was absent with leave from the station at the time when such offence was committed, or that he gave immediate information of the circumstance to the superintendent, and otherwise used his utmost endeavours to cause the seizure of the Salt, or was prevented from doing so by some unavoidable cause.

In what cases the mohurrirs of chokies to be responsible for the acts of their superiors.

LXX. Molunghees or others receiving advances for the manufacture of Salt on account of Government, who may be guilty of embezzlement of the Salt, for the provision of which they may have received advances from Government, or of otherwise illegally disposing of any Salt manufactured by them, shall on conviction be liable to a fine of four Rupees per maund of eighty two Sicca weight to the seer for each and every maund of Salt embezzled, and the Salt so embezzled shall be confiscated. In addition to the above penalty, the offenders shall be imprisoned for a period not exceeding three months.

Penalties on molunghees for embezzling or illicitly disposing of Salt.

Rules defining the powers of Officers in regard to the seizure of Salt.

LXXI. *First.* The authority to seize Salt, and other articles liable to seizure and confiscation, under the rules of this Regulation, shall as heretofore ordinarily, and in virtue of their offices, be exercised by Salt Agents, and superintendents of Salt chokies, and their assistants, uncovenanted European and subordinate Native officers. But the Governor General in Council reserves to himself the power of vesting a like authority in such of the zillah and city magistrates, collectors of land revenue, or officers in charge of the abkarry mehal, collectors and deputy

What persons authorized to seize Salt.

puty collectors of customs, opium agents and their deputies, and their subordinate officers respectively, as he may deem fit.

Cases of seizure to be reported without delay.

Second. Provided however, that all uncovenanted European or Native officers making a seizure under the powers vested in them by this Regulation, or by the special orders of the Governor General in Council, shall within twenty four hours after making such seizure, communicate their having done so with a report of the circumstances connected with the seizure, to the authority to which they may be respectively subject, and the magistrate or other officer to whom information of a seizure may be thus communicated, shall immediately transmit the report to the nearest Salt agent or superintending officer of Salt chokies, to whom all Salt so seized shall be delivered.

Officers not authorized to seize Salt, strictly prohibited from exercising the power.

LXXII. The Salt agents and their officers, the officers of the Salt chokies, and officers in the Salt department acting under the immediate orders of the Board of Customs, Salt and Opium, being alone empowered to attach of their own authority, and by virtue of their offices, Salt which they may know or suspect to have been illegally manufactured, imported, sold or transported, no officers excepting those above described shall seize or detain Salt, unless specially vested by Government with authority to that effect.

Native officers not attached to the Salt department how to act on receiving information of the illicit manufacture, sale or transportation of Salt.

LXXIII. Whenever any of the Native officers subordinate to a zillah or city magistrate, collector of land revenue, or officers in charge of the abkarry mehaul, or a collector or deputy collector of customs, who may be specially authorized by Government to seize Salt, shall receive information of any Salt not made in the Company's provinces of Bengal or Orissa, on account of Government, having been illegally imported into the said territories, or of Salt of any description being transported

or

or stored within the limits of the Salt chokies without the proper rowannah, chellaun, char chitties, or special pass, or of any Salt being manufactured on account of individuals, by molunghees, or other persons, at the kalaries, or Salt works established on account of the Company, or at any kalaries or Salt works established by individuals, for the purpose of manufacturing Salt on their own account, or that of any other persons, the several officers aforesaid shall, as above directed, transmit immediate notice thereof to the nearest officer in the Salt department, empowered to attach contraband Salt, and to the magistrate or other functionary to whose immediate orders they may be subject, and shall further be guided by the following rule. If the Salt shall be accompanied by a regular rowannah, chellaun, char chitty or special pass, the Native officers shall confine themselves to sending the information aforesaid to the nearest officer in the Salt department, and to the European functionary to whom they may be subordinate, and to assist in the seizure of the Salt either under the orders of their immediate superior, or on application from the officers of the Salt department, and shall not seize or detain any Salt accompanied by such papers in the first instance of their own authority; but if any dispatch of Salt shall be unaccompanied by a rowannah, chellaun, char chitty or special pass as aforesaid, the said officers are empowered, of their own authority, to detain the Salt, sending without delay notice of the detention of the Salt to their superior, and to the nearest officer in the Salt department.—Any Native officer of Government, (not being an officer attached to the Salt department) unless specially authorized to do so, as well as any such officer who, though specially authorized as above, may seize or detain Salt, accompanied by a regular rowannah, chellaun, char chitty, or special pass, shall be liable to be dismissed from his office; and to be prosecuted for damages in the Dewanny Adawlut by the owner, or the holder of such Salt.

LXXIV.

Officers of the Salt department making seizures how to proceed

LXXIV. The officers of the Salt agents and of the superintending officer of Salt chokies, and officers acting under the immediate orders of the Board of Customs, Salt and Opium, and all other subordinate officers whatever, making seizures of Salt, shall transmit without delay, and by the most expeditious mode of conveyance, a report of the circumstances of the seizure to their immediate superiors. If the officers seizing Salt shall omit to forward the required report, or shall make any unnecessary delay in forwarding it, they shall in the event of the Salt not being confiscated, be liable to be prosecuted in the Dewanny Adawlut, for damages by the proprietor of the Salt, and to dismission from office, or in the event of the Salt being confiscated, such officers shall be dismissed from office, and forfeit to Government the amount of the reward to which they would have become entitled, in consequence of the confiscation of the Salt.

Penalty for removing attachments without due authority

LXXV. *First.* All subordinate officers in the Salt department are prohibited from removing the attachment from any Salt which they may have seized, until they shall have received orders for that purpose from the Salt Agents, or the superintending officers of the Salt chokies, or the Board of Customs, Salt and Opium. Subordinate officers disobeying the rules contained in this Section, shall be dismissed from their office, and shall pay a fine of two hundred and fifty Sicca Rupees for every hundred maunds of Salt so released.

Salt Agents and superintendents may release seized Salt.

Second. The Salt Agents, or the superintending officers of the Salt chokies, are empowered to order the release of any Salt, seized by their own officers, or any Salt which may have been seized and made over to their officers by the magistrates, collectors of revenue, or other functionary, if, on enquiry, such Salt Agents, or superintending officers of Salt chokies, shall be of opinion that the Salt is not liable to confiscation.

Third.

Third. If Salt shall have been seized by the officers, or under the orders of any magistrate, or by the orders of any collector of revenue, or customs or deputy collector, or any officer in charge of the abkarry mehal or opium agent or his deputy, previously to the delivery of such Salt to the officers of the Salt department, and such magistrate, collector or other officer aforesaid, shall be of opinion that the Salt was seized on false or erroneous information, and that the Salt is not liable to confiscation, he is hereby empowered to release the Salt.

Same powers vested in magistrates &c. &c. as to Salt seized under their authority.

LXXVI. The magistrates shall cause to be communicated in the manner which shall appear to them most convenient to the Salt Agent or superintending officer of chokies, the particulars of all information received from the police officers, and also of all applications made to those officers, by the officers in the Salt department, or by any officer empowered to attach Salt, for assistance in the seizure of Salt.

Communication to be made by magistrates to Salt officers or superintendents.

RULES for preventing the adulteration of Salt.

LXXVII. Any common or alimentary Salt, adulterated by an artificial admixture with the substance called kharee noon or mixed with phoolkharee noon, puckwa Salt, or any description of impure and bitter Salt, which may be found in any golah, or shop, or in any place whatsoever, shall be confiscated and destroyed; and any Salt merchant, or other person selling Salt, wholesale or retail, who shall so adulterate it, or shall knowingly sell any Salt so adulterated, shall pay a fine calculated at the rate of ten Sicca Rupees per maund of eighty two Sicca weight to the seer, upon the quantity which may be found so adulterated.

Penalties for the adulteration of Salt.

LXXVIII. Salt adulterated in any of the modes above stated, shall be seized by all officers empowered by this Regulation to seize Salt, who immediately on making any attachment, or seizure, are required to report the circumstance to the magistrate within

Magistrate to ascertain the fact of adulteration, and to direct the penalties.

within whose jurisdiction the attachment may have been made;—the magistrate on receiving such report, shall, without delay, institute a summary enquiry into the circumstances of the case, and if it shall appear to him that the Salt has been adulterated as aforesaid, and is in consequence liable to confiscation, he shall proceed to confiscate it accordingly, and to levy the prescribed fine, commutable, if not paid, to imprisonment in the Dewanny jail for a period not exceeding six months.

The fact may be ascertained by reference to what persons.

LXXIX. In cases of attachment of Salt alleged to be adulterated with kharee noon, or any other Salt of the description therein specified, the magistrate shall without loss of time, ascertain the fact by reference either to the civil surgeon of the station for examination, or to a committee of respectable merchants or dealers in Salt, or in any other mode that may appear most likely to elicit the truth.

Proprietor may sue in the Civil court, and stay the order for confiscation on giving good security.

LXXX. Provided always, that if the proprietor of such confiscated Salt, being dissatisfied with the order of confiscation, shall immediately give responsible security for the amount of the penalty, and further within a period of one month, shall institute a regular suit in the Dewanny Adawlut against the officer, who may have seized the Salt, for damages: in such case the magistrate shall suspend the execution of his order, and stay all further proceedings; but if, at the expiration of one month from the date of the order of confiscation, no suit shall have been instituted by the proprietor of the Salt, the magistrate is without further delay to levy the penalty from his security, and otherwise to carry the order of confiscation into full effect.

Security may be dispensed with at the discretion of the magistrate.

LXXXI. In all cases where any proprietor of Salt confiscated for being adulterated with kharee noon, or any of the substances aforesaid, may be unable to give the above security for the amount of the penalty, the magistrate upon his being satisfied.

fied of the inability of the party to give the security, is hereby empowered to dispense with security; taking from the party bail for his appearance only, to abide the issue of the suit; or in the event of the suit not being instituted within the period prescribed by the preceding Section, to answer in his own person the amount of the penalty; and in the mean time the magistrate shall keep the Salt under attachment.

Damages to be awarded in cases of improper attachment or seizure of Salt;

LXXXII. In all cases in which it may appear that an attachment, or seizure has been improperly made by an officer of Government, the proprietor of the Salt shall be entitled to recover full damages for all the loss and expence to which he may have been subjected in consequence, by a regular suit in the Dewanny Adawlut.

And fine may be imposed if the suit appear frivolous or vexatious.

LXXXIII. But should it appear to the Court that there was no just ground for objecting to the order of confiscation, and that the suit has been instituted merely with a view to create delay or for vexatious purposes, it shall be at the option of the court to impose a fine of fifteen Rupees per maund instead of ten Rupees as prescribed in Section LXXVII. of this Regulation: the decision in such case, as well as in all cases in which a regular suit may be instituted, being subject to the existing rules for appeals to the superior courts.

Salt to be held under attachment pending the suit.

LXXXIV. In the event of a regular suit being instituted for the purpose of setting aside the order of confiscation, the Salt shall be held under attachment by the court until a final decision may be passed in the cause.

The rules contained in the eight foregoing Sections extended to certain other cases.

LXXXV. The rules contained in the eight foregoing Sections with regard to the adulteration of alimentary Salt with kharee noon, and other description of impure and bitter Salt, are hereby declared to be equally applicable to all Pungah Salt which

which may be found within the provinces of Bengal, Behar and Orissa, mixed with Balumbah, Salumbah, or other Salt not being Salt sold on account of Government, or imported by sea under the provisions of Regulation XV. 1817; excepting that any person who shall hereafter sell, or in whose possession Salt of this description may be found, he knowing the same, shall besides the forfeiture of the Salt, pay to Government the sum of five Sicca Rupees for every maund of eighty two Sicca weight upon the quantity which may be so mixed, instead of ten Sicca Rupees per maund as prescribed in Section LXXVII. in cases of Salt being found adulterated with kharee noon or other impure and bitter Salt—Provided further, that Salt of this description which may be confiscated, shall not be destroyed, but be sold without the limits of the provinces of Bengal, Behar and Orissa, in such place and manner as hereinafter prescribed.

Proviso.

Rules regarding the importation of Foreign Salt by Sea.

Transit of Salt imported by sea, how to be regulated.

LXXXVI. Salt imported by sea under the provisions of Regulation XV. 1817, shall on transportation into the interior of the country, be subject to the same rules as are prescribed for regulating the transit of Salt manufactured and sold on account of Government.

Rowannahs and other documents to be furnished, and without such documents to be held contraband and subject to prescribed penalties.

LXXXVII. The Board of Customs, Salt and Opium, will accordingly cause rowannahs and other necessary documents, to be granted to the importers or owners of such Salt, on their producing a certificate from the collector of customs of the payment of the duty of Rupees three per maund, as prescribed in the Regulation aforesaid; and all Salt imported by sea, which may be found on transitu in the interior of the country unaccompanied by the regular documents, shall be held contraband, and as such be seized and confiscated to Government; and the persons in whose possession such contraband Salt may be found, they knowing the same,

same, shall be liable to the penalty prescribed in Section XXXVI. for the illicit possession of Salt.

Rules regarding the distribution of rewards to certain officers of Government attached to the Salt Department.

LXXXVIII. Salt Agents, and superintending officers of chokies, and their respective assistants, being covenanted servants of the Company, shall not be entitled to any share of the rewards heretofore received by them for Salt, which may have been attached or confiscated by their respective orders, or by their respective officers; this rule shall also be held applicable to Salt seized by the aforesaid officers under the provision contained in Regulation XV. 1817.

Covenanted servants of the Company not to be entitled to rewards for seizing illicit Salt.

LXXXIX. *First.* All subordinate officers of Government attached to the Salt Department, who may be concerned in the attachment of Salt under the orders of their immediate superiors, or to whom information may be given respecting illicit Salt, and who shall in consequence be immediately concerned in the attachment of the Salt, shall be entitled to the following rewards.—In cases in which the offenders may be apprehended and convicted, the officers concerned in the seizure shall be entitled to a reward of fifteen per cent on the value of such Salt. In cases in which a seizure simply of the contraband article is effected, the officers concerned in effecting the seizure shall be entitled to a reward of ten per cent on the value of such Salt.—The value of the Salt in both cases to be estimated according to the price at which Salt of the same description shall have been sold at the last public sale preceding the seizure.

Rewards to subordinate officers in the Salt department.

Second. If Salt shall be attached exclusively by the subordinate officers of Government serving in the Salt department, and not upon information, the officers concerned in making such attachments

Further specification of rewards in certain cases.

tachments shall be entitled to the following rewards.—In cases in which the offenders may be apprehended and convicted, the officers concerned in effecting the seizure shall be entitled to a reward of thirty per cent. on the value of such Salt. In cases in which a seizure simply of the contraband article is effected, the officers concerned in effecting the seizure shall be entitled to a reward of fifteen per cent on the value of such Salt, to be estimated in the mode described in the preceding clause of this Section.

Rewards to officers not in the Salt department.

Third. All Native officers of Government not in the Salt department, as well as all other persons whatsoever, who shall furnish information of Salt illegally imported, manufactured, transported or possessed within the provinces of Bengal, Behar or Orissa, shall, provided the offender be apprehended and convicted, be entitled to a reward of fifteen per cent on the value of such Salt.—In cases in which a seizure simply of the contraband article, is effected, the officers and persons above mentioned, shall be entitled to a reward of ten per cent. on the value of the Salt, which is to be estimated in the mode described in the two preceding clauses of this Section.

Value of Salt how to be estimated in fixing the rewards.

XC. The rewards to be granted under this Regulation on Coast Salt, or on Saumer, Saulumbah, or any other species of foreign Salt, which may be confiscated, shall be calculated on the price at which Salt of the same description shall have been sold at the last public sale preceding the seizure, or (if no Salt of that description shall have been sold at such sale) if the Salt be of a kind the use of which within the provinces of Bengal, Behar and Orissa is prohibited, the Board of Customs, Salt and Opium, shall value the Salt at such price as they may deem equitable, and the reward shall be calculated on such valuation.

Confiscated boats, carriages, bullocks, &c. &c. how to be disposed of.

XCI. All boats or carriages on which any contraband or adulterated Salt shall be loaded, together with all horses, bullocks,

locks, or other cattle, employed in its transportation, shall be forfeited, and sold by public sale, and the proceeds distributed in the following manner; that is to say, one third part to the informer or informers, one-third part to the officer or officers making the seizure, and one-third to the Government: provided further, that in cases in which a seizure of Salt may be made by an officer duly authorized, without the intervention of an informer, such officer shall receive a moiety of the proceeds of the boats, carriages or cattle aforesaid, the remaining moiety to be carried to the credit of Government.

Value of Cuttack Salt how to be estimated.

XCII. All rewards payable on confiscated Salt in the province of Cuttack, shall be calculated on the selling price at which Government Salt of the same description may be disposed of to merchants and individuals in that province, whether the Salt be disposed of by public auction, or a ready money sale.

Certain kinds of confiscated Salt where to be disposed of.

XCIII. Salt of any of the descriptions specified in Section XLIX. of this Regulation, together with all Pungah Salt mixed with Salumba, Balumbah or other Salt, not being Salt sold on account of Government, or imported under Regulation XV. 1817, which may be confiscated, shall be disposed of in such place or places, beyond the limits of Bengal, Behar or Orissa, and in such manner as the Governor General in Council shall direct.

Proceeds how to be disposed of.

XCIV. *First.* When attachments or seizures of Salt adulterated with kharee noon or other Salts of the nature described in Section LXXVII. of this Regulation, shall be made wholly by the Native officers of Government, and not upon any information furnished to them, they will be entitled to receive one moiety of the fine which may be levied from the offender, agreeably to the rule prescribed in that Section, and the other moiety is to be carried to the account of Government.

Second.

Proceeds how to be disposed of.

Second. If any other person or persons shall give information of Salt being so adulterated, to the Native officers of Government, and the Salt shall be seized in consequence of such information, he or they will be entitled to receive one third of the fine which may be levied as above prescribed, and the officer who may have made the seizure will be entitled to receive also one third of the amount, the remaining third is to be carried to the account of Government.

Ditto of boats, carriages and cattle.

Third. The boats, carriages, &c. on which such adulterated Salt may be loaded, together with the horses, bullocks and other cattle, employed in its transportation, shall be forfeited and sold by public sale; and the proceeds of the sale shall be distributed in the manner abovementioned, for the distribution of the fine levied from the offender.

Fines levied under this Regulation how to be disposed of.

XCV. One third of all fines which may be levied under the rules contained in this Regulation, excepting in cases specially provided for, shall be paid to the person or persons who shall first inform against the offender, whether the informant be an European uncovenanted or a Native officer of Government, or a private individual, and the remaining two thirds shall be carried to the credit of Government. In like manner in all cases in which the appropriation of the fine may not be specifically provided for, the amount unappropriated, shall be carried to the credit of the public account.

Judicial Duties of Salt Agents, and Superintending Officers of Chokies.

What cases connected with this Regulation are judicially cognizable by Salt agents and superintending officers of Salt chokies.

XCVI. All suits, complaints, and informations for the recovery of any fine, or penalty recoverable by Government, or by the informer, on account of the illicit manufacture, sale, purchase, importation, transportation or possession of Salt, excepting complaints, or charges preferred against public officers for a breach

breach of their official duty, of which the cognizance is specifically reserved to the zillah or city judges or magistrates, and excepting cases of adulteration of Salt, are hereby declared cognizable in the first instance by the Salt Agents and superintending officers of Salt chokies; any thing in the existing Regulations to the contrary, notwithstanding, and the investigation thereof shall be conducted under the following rules.

No suits or complaints to be cognizable by those officers unless preferred within six months after the commission of the act.

XCVII. No suit, complaint, or information of the nature abovementioned shall be admitted, or proceeded upon by the Salt Agent, superintending officer of Salt chokies, or other officer vested with the cognizance of the same, unless it shall be preferred within the period of six months after the act, for which the fine, or other penalty may be demandable, shall have been committed, excepting in cases in which the same shall be prosecuted on the account of Government, and good and sufficient cause be shewn, why the suit was not preferred within the period of six months from the commission of the act whereupon the fine or other penalty is demandable.

Petitions and papers in cases connected with this Regulation before Salt agents and superintendents need not be written on stampt paper, nor in cases before the courts of judicature under the following provisions of this Regulation.

XCVIII. Petitions, and other papers presented in suits, informations, and complaints, preferred under this Regulation before a Salt Agent, or superintending officer of Salt chokies, as well as all papers filed in the courts of judicature in cases brought before them under the provisions hereinafter contained, shall not be required to be written on stampt paper, and all engagements contracted between Government, or its officers, and individuals, under this Regulation, shall be received and admitted in evidence in the different courts of judicature, and by the Salt Agents and superintending officers of Salt chokies, although not written on stampt paper.

Procedure to be observed when information is received of the establishment of illegal kalaries.

XCIX. Upon information being given to any Salt Agent or superintending officer of chokies, that kalaries, or Salt works, have

have been illegally established in any village or other place, such officers shall either proceed to the spot in order to satisfy themselves of the fact, or shall depute the Darogah of the nearest aurung or chokey, or some other trustworthy person for that purpose. The darogah or person so deputed, after ascertaining the existence of such illicit kalaries, shall proceed to destroy the works in the most public manner. He shall draw up a full report of the circumstances of the case, attested by the signatures of the most respectable ryots of the village, and transmit it to the Salt Agent or superintending officer of chokies, with the implements of manufacture, or such other unequivocal proofs of the works having been used for illicit purposes, as he may be able to procure. The officer aforesaid shall at the same time ascertain as far as practicable, all the circumstances of the case, particularly the persons by whom the illicit kalary may have been established or worked, and whether there is reason to believe that any of the persons specified in Sections XXXII. and XXXIV. of this Regulation, were concerned in or connived at, the manufacture; and whenever a Salt Agent or superintending officer of chokies, shall have strong grounds to believe either from charges preferred or evidence given on oath, or from his own personal knowledge, that an illicit kalary has been established, or that illicit Salt is actually in the course of manufacture, contrary to the prohibitions contained in this Regulation, or that any person actually has in his possession a quantity of contraband Salt, it shall be competent to the Salt Agent or superintendent aforesaid, to issue his warrant for the immediate apprehension of the person or persons actually engaged in the manufacture, or having the Salt in his or their possession, summoning at the same time any witnesses that may appear necessary.

In what cases a Salt Agent or superintendent of Salt chokies may issue a warrant.

C. In all other cases, in which any person may be accused, before the Salt Agent, or superintending officer of Salt chokies, of

In what cases those officers are to issue a summons, with or without requisition of security.

of acts rendering him liable to any of the penalties prescribed in this Regulation, the Salt agent, or superintending officer of chokies, shall issue a summons, with or without requisition of security, to be served by a single chupprassy, requiring the attendance of the person charged either in person, or by vakeel, as the case may appear to those officers to require, to answer to the charge, on or before a certain day to be specified in the summons; and if it be necessary to require bail, the extent of the bail shall be stated in the summons, or the officers aforesaid shall at the same time summon such witnesses as may be named by the informer, and as they may judge it necessary to examine in proof of the accusation, together with any witnesses whom the accused may wish to have examined in his defence, to attend at the time appointed for the attendance of the accused.

Witnesses also to be summoned.

CI. In all cases in which the party accused or suspected, may be apprehended, under the warrant of the Salt agent or superintending officer of Salt chokies, or shall attend in person, the investigation by the officers aforesaid, shall be commenced immediately on the arrival of the party at their cutcherries, and shall be prosecuted with the least possible delay, consistently with a due enquiry into the facts; and generally all cases of this nature tried before the officers aforesaid under this Regulation, shall, as far as practicable, be proceeded upon on the day specified in the summons for the attendance of the party, or his vakeel, unless it shall be necessary to postpone the investigation, in order to procure the necessary evidence.

Enquiry to be prosecuted to a conclusion, with the least practicable delay.

CII. Should any person charged with any of the offences which have been rendered cognizable in the first instance by Salt Agents, and the superintendents of Salt chokies, under the provisions of this Regulation, fail to attend, either in person or by vakeel, after being served with a summons in the manner herein before described,

Procedure of Salt agents and superintendents in case of evasion of their process.

described, or should any such person evade the process of a Salt agent or superintendent of Salt chokies, the Salt agent or superintendent of chokies, shall then cause notice by proclamation after the form annexed to this Regulation, to be prepared in the Persian and Bengallee languages, one copy of which shall be affixed in some conspicuous place at his own cutcherry, another at the usual residence of the person charged, and separate copies shall be transmitted to the judge and magistrate and to the collector of the district, to be published by them in their several cutcherries: in the event of the party or parties not attending in person or by vakeel, within the time fixed by such notice, the Salt agent or superintending officer shall proceed to investigate, and pass a judgment on the case, in the same manner as if the party had been present.

Powers vested in Salt agents as to the administration of oaths, &c.

CIII. The Salt agents and superintending officers of chokies, are hereby authorized to summon witnesses, and administer oaths, or cause the execution of solemn declaration in lieu thereof, in respect to all matters brought before them under this Regulation, conformably with the provisions of Section VI. Regulation IV. 1793, and Section II. Regulation I. 1803: provided that if any witnesses shall refuse to take the oath or execute the solemn declaration required from him, he shall be sent to the judge of the zillah or city court, to be confined as prescribed by the Regulations in similar cases.

General rules for the guidance of Salt agents &c in the investigations committed to them.

CIV. The Salt agents and superintending officers of chokies in the summoning and the examination of parties and witnesses, and in the general conduct of the investigation, shall be guided (except when otherwise prescribed) by the rules in force for the guidance of the magistrates in the trial of persons charged with offences punishable by them: provided however, that in suits brought by any of the officers of Government, the personal attendance, or deposition of the prosecutor, shall not be required; but

but the prosecution shall be conducted by any agent, or vakeel, the prosecutor may choose to appoint for that purpose.

CV. Under the above provisions, the proceedings of Salt agents and superintendents of chokies will of course be held in open cutcherry, and those officers while so holding cutcherry, shall be authorized to punish persons guilty of contempt, by a moderate fine not exceeding one hundred Rupees.

Proceedings to be held in open cutcherry.

And may fine for contempt.

CVI. Any person giving intentionally and deliberately a false deposition on oath, or under a solemn declaration taken instead of an oath, relative to any proceeding depending before a Salt agent or superintending officer of chokies under this Regulation, and upon a point material to the issue thereof, shall be held and considered guilty of perjury, and shall be liable to the penalties prescribed for that offence in the Regulations in force; and any person causing or procuring another person to commit the offence of perjury as above described, is declared guilty of subornation of perjury, and punishable under the provisions of the said Regulations.

Persons guilty of perjury and subornation of perjury before them, subject to the penalties prescribed for that offence.

CVII. Persons resisting any process regularly and legally issued by the Salt agents or superintending officers of chokies, in any case depending before them under this Regulation, shall be liable to the penalties prescribed for cases of resistance to the process of a collector in Regulation XIV. 1793, under the provisions therein specified.

And resistance of their process how punishable.

CVIII. Whenever any salt agent or superintendent of salt chokies shall have completed the investigation of any case cognizable by them under this Regulation, it shall be their duty to record in a Persian or Bengalee roobakarec, all the material facts of the case, with the evidence by which they may appear to have been

Salt agents and superintendents to record their judgment on the completion of the investigations.

been proved, and to state at length their own opinion on the case, and the penalty, if any, which in their judgment ought to be imposed.

Decision of Salt agents and superintendents to be final in what cases.

CIX. Salt agents and superintendents of chokies are authorized to pass a final order of confiscation in all cases in which the quantity of Salt subject to confiscation under the provisions of this Regulation shall not exceed twenty maunds of eighty-two Sicca weight to the seer; and to carry such orders into effect of their own authority. In like manner, the decision of the aforesaid officers shall be final in all cases in which they may adjudge a party charged before them of any of the offences enumerated in Sections XXXI. XXXIII. XXXIV. XXXVI. XXXVIII. XL XLI. XLII. XLIII. XLV. XLVI. XLVII. XLVIII. XLIX. L. LI. LIII LIV. LV. LXVI. LXVII. LXVIII. LXIX. LXX. LXXV. LXXVII. and LXXXVI. of this Regulation, to a fine not exceeding fifty Rupees.

Fines or penalties adjudged under this Regulation commutable to imprisonment according to a specified scale.

CX. Whenever a penalty or fine may be adjudged against any person under the provisions of this Regulation, it shall be competent to the officer or authority adjudging the same, in case the amount be not discharged, to award a period of imprisonment in commutation, according to the following scale, in addition to such imprisonment as such officer or authority may be especially empowered to adjudge.

If the amount of the fine or penalty do not exceed fifty Rupees,

The term of imprisonment to be awarded in commutation shall not be less than fifteen days, and not more than one month.

If the amount of the fine or penalty exceed fifty, or be less than one hundred Rupees,

The term of imprisonment to be awarded in commutation shall not be less than one month, and not more than two months.

If

If the amount of the fine or penalty exceed one hundred Rupees, and be not more than Rupees five hundred,

The term of imprisonment to be awarded in commutation, shall not be less than two months, and not more than four months.

If the amount of the fine or penalty exceed five hundred Rupees,

The term of imprisonment to be awarded in commutation, shall not be less than four months, and not more than six months.

Salt agents and superintendents how to proceed with persons who may not pay fines adjudged against them not exceeding fifty Rupees.

CXI. In cases in which a Salt agent or superintendent of Salt chokies shall adjudge any person to pay a fine not exceeding fifty Rupees, if the fine be not immediately paid, he shall send the party to the Judge of the zillah or city within the jurisdiction of which the offence may have been committed, with a roobakarree stating the purport of the order passed against the person in question, and the Judge shall on those grounds, give the necessary directions for the execution of the order in the manner prescribed for the execution of orders and decrees of court, and shall transmit the fine when levied to the treasury of the agent, or superintending officer of Salt chokies: provided that in all such cases the roobakarree of the Salt agent or superintendent of Salt chokies, shall specify the period of imprisonment to which the party shall be subject, in the event of the fine adjudged by them not being paid.

In what cases the final award to be passed by the Judge.

CXII. In all cases in which the quantity of Salt proposed to be confiscated shall exceed twenty maunds, or in which the Salt agents, or superintendents of Salt chokies shall consider any person liable to pay a fine exceeding fifty Rupees, he shall send his proceedings to the Judge of the zillah or city in which the offence may have been committed, or the Salt seized, in order that the

the final award may be made by that authority. The parties in such cases shall, if declared by the judgment of the Salt agent or superintendent to be liable to any specific fine or term of imprisonment, be sent over under custody of peons, and the Judge shall on their arrival pass such order for the holding them to bail, or otherwise securing their being in attendance, to abide the final award, as he may deem proper.

Such cases to be brought to an early hearing—Judge how to proceed.

CXIII. It shall be the duty of the Judge to have every case so forwarded to him by the Salt officers brought to a hearing on the first day of his holding the civil court, after the arrival of the proceedings and parties; and after having duly considered the proceedings of the Salt agent and superintendent and heard any thing the party may desire to urge in his defence, the Judge shall be competent to pass an immediate order either confirming the award of the Salt officers (if the investigation on which the same may be founded shall appear to him complete, and the award passed thereon just and proper,) or modifying the said award (in case of any irregularity appearing on the face of it,) or reversing it (if in his opinion contrary to or not supported by the evidence and facts of the case as borne on the proceedings) or to institute a fresh investigation, and summon any further evidence, or to direct the re-attendance of the witnesses previously examined, as well as to call for any explanations from the officers or parties concerned that he may deem necessary.

The award of the Judge to be final in what cases.

CXIV. If the matter of action or amount of fine adjudged in any case so sent over by the Salt officers shall not exceed the sum of five hundred Rupees, or if the quantity of Salt in jeopardy shall not exceed two hundred maunds of eighty two sicca weight to the seer, any award passed by a civil Judge under the preceding Section shall be final and conclusive, and subject to no appeal whatever. If the fine adjudged exceed five hundred Rupees, or if the quantity

quantity of Salt under question exceed two hundred maunds, an appeal shall lie to the provincial court on the application of any party interested, or of the Salt officers on the part of Government, such appeal to be brought forward by common motion in the court and to be decided thereupon: provided however, that no such appeal shall be received, unless the application be preferred within the period of six weeks from the date of the decision passed by the zillah or city Judge.

Appeal open to the provincial court in what cases, and in what form.

CXV. Whenever any award may be passed by any zillah Judge under the rules of Section CXIII. the Judge shall if the offence charged be established, proceed to levy the fine or fines, and to commit the parties to jail in pursuance thereto, under the general rules of the regulations for the realizing of fines and executing decrees and orders of Court—The Judge shall further communicate to the Salt agent or superintendent, whom it may concern, a copy of his final order with as little delay as possible, in order that any Salt that may be held under attachment may be dealt with accordingly: provided however, that in any case in which an appeal may be preferred to a provincial court, against the decision of a zillah or city magistrate, if the party by whom such appeal may be lodged shall tender sufficient security for the performance of the order of the provincial court, the zillah or city Judge shall suspend the execution of his decision, and shall instruct the Salt agent or superintendent to keep in deposit the Salt which may have been adjudged contraband, until the final award of the provincial court be passed. In all such cases it shall likewise of course be competent to the provincial court to stay execution of the decree passed by the zillah or city Judge, or to direct the officers in the Salt department to keep in deposit the Salt which may have been condemned, or the fine realized by the zillah or city court.

Judge how to proceed after passing his award.

CXVI. If the award of the civil Judge shall acquit the parties

Parties who may be acquitted by the Judge, to be set at

large, and Salt adjudged not to be contraband, to be released

ties charged, or adjudge any Salt under attachment not to be contraband, the parties shall immediately be released, and the attachment taken off: provided however, that in case the quantity of Salt under question, shall amount to or exceed two hundred maunds, and an appeal should be lodged or proposed to be lodged by any party interested, the attachment of such Salt shall not be taken off, until it shall be seen whether any appeal be so lodged, and what may be the award thereon But if no appeal be lodged by any party within one month, attachment shall not continue longer.

Proviso.

General power vested in the Board to remit any portion of fines or penalties imposed under certain Sections of this Regulation.

CXVII. *First.* In all cases in which any Salt may be forfeited to Government under the rules contained in this Regulation, or in which any person may have been subjected to any of the penalties prescribed in Sections XXXI. XXXIII. XXXIV. XXXVI. XXXVIII. XL XLI. XLII. XLIII. XLV. XLVI. XLVII. XLVIII. XLIX. L. LI. LIII. LIV. LV. LXVI. LXVII. LXVIII. LXIX. LXX. LXXV. LXXVII. and LXXXVI. of this Regulation, whether the final order shall have been passed by a court of judicature, or by a Salt agent or superintendent of Salt chokies, it shall be competent to the Board of Customs, Salt and Opium, on application from the party to call for a report of the circumstances of the case from the Salt agent or superintendent, by whom it may have been in the first instance investigated, in the manner heretofore practised in respect to seizure made by those officers, and to remit any portion of the fine or penalty which may have been imposed.

Under certain circumstances Salt agents and superintendents with the sanction of the Board, may pass final judgment in cases of larger amount

Second. Provided also, that if in any case the Salt agent or superintendent of Salt chokies shall not deem it necessary to levy the full amount of the fine to which the party offending may be liable under this Regulation, and the said party shall submit himself by a written ikrarnamah to the decision of the Salt agent or superintendent, and shall pray to have judgment passed by those

those officers without reference to the courts of judicature, then and in that case it shall be competent to the Salt agent or superintendent, with the sanction of the Board of Customs, Salt and Opium, previously obtained, to pass a final judgment in the case; whatever may be the quantity of Salt or amount of fine.

Third. Provided also, that the amount of rewards to be received by informers and the subordinate officers of Government under the rules contained in this Regulation, shall in all cases be regulated by the value of the Salt or other property actually confiscated to Government, or the amount of fine realized.

Rewards to be regulated by the value of property confiscated, or of fines actually realized.

CXVIII. All fines which may be levied by any Judge of a zillah or city court shall on realization be immediately remitted to the Salt agent or superintendent of Salt chokies, by whom the case may in the first instance have been investigated. The superintendents and Salt agents shall be guided in the distribution and payment of the rewards to which informers and subordinate officers of Government may be entitled under the rules contained in this Regulation, by such general or special orders as they may receive from the Board of Customs, Salt and Opium.

Fines levied by Judge to be remitted to Salt agents or superintendents.

CXIX *First.* All applications preferred to the Board of Customs, Salt and Opium, for a remission or mitigation of any fine or penalty imposed by a Salt agent or superintendent, or by a court of judicature, shall be written on stampt paper, the value of which shall be regulated as follows:—

Applications for remission of fines to be written on stampt paper.

Second. In cases in which the quantity of Salt adjudged contraband shall not exceed twenty maunds, or the amount of the fine imposed fifty Sicca Rupees, the petition to the Board shall be written on stampt paper of the value of two Rupees.

Value of stampt paper to be used.

Third. If the quantity of Salt be more than twenty maunds, and

Ditto ditto.

and do not exceed one hundred maunds; or if the fine imposed be more than fifty Rupees, and do not exceed Rupees two hundred and fifty, the petition shall be written on stampt paper of the value of four Rupees.

Value of stampt paper to be used.

Fourth. If the quantity of Salt be more than maunds one hundred, and do not exceed two hundred maunds, or if the fine imposed be more than two hundred and fifty Rupees and do not exceed five hundred Rupees, the petition shall be written on stampt paper of the value of six Rupees.

Ditto ditto.

Fifth. If the quantity of Salt exceed two hundred maunds, or the fine imposed five hundred Rupees, the petition to the Board shall be written on stampt paper of the value of eight Rupees.

Power of acquittal and release vested in Salt agents and superintendents.

CXX. Salt agents and superintendents of Salt chokies shall be authorized in all cases in which they may consider any charge preferred before them not to be substantiated, to acquit the party accused and to release the Salt or other article which may have been seized: provided however, that if the party accused be an officer in the Salt Department, it shall be competent to the Board of Customs, Salt and Opium, at any time within three months of the date on which the order of the Salt agent or superintendent may have been passed, notwithstanding such acquittal, to direct the superintendent or Salt agent to transmit his proceedings to the zillah or city Judge, and the Judge shall proceed to investigate and decide on the case in the same manner as is above prescribed for cases referred to the Court under the Rules of Section CXII. of this Regulation.

Subject to proviso.

Persons sentenced to imprisonment under this Regulation to be imprisoned in the dewanny jail.

CXXI. All persons sentenced to imprisonment under the provisions of this Regulation, and all persons confined for non-payment of the fines to which they may be liable, shall be confined exclusively in the Dewanny Jail.

CXXII. In the event of any charge being preferred against a person under the rules of this Regulation, and of it appearing on investigation before the Salt agent or superintendent of Salt chokies that the enquiry originated in malice, or in motives clearly vexatious and unwarranted on the part of the informant, it shall be competent for the Salt agent or superintending officer of Salt chokies to order such informant to discharge the amount of any diet money which may have been paid to the witnesses, and to pay to the party aggrieved damages not exceeding five hundred Rupees as may appear reasonable, or to be confined for a period not exceeding six months. Orders passed under this rule, shall be enforced in the same manner as other fines imposed under the provisions of this Regulation.

Informers liable to what penalties for vexatious and unwarranted complaints.

CXXIII. It shall be the duty of the Board of Customs, Salt and Opium, to require from the officers under their controul, such periodical reports or returns regarding the judgments passed by them, and generally in respect to their discharge of the duty entrusted to them under the provisions of this Regulation, as may appear to that Board best calculated to secure regularity of procedure, and as may enable the Board to judge whether the enquiries held by those officers on the trial of the cases cognizable by them, are duly and speedily conducted, and whether the parties implicated have been exposed to any inconvenience or hardship which might have been avoided; and it shall be competent to the Board to call for and examine the proceedings of the Salt agent or superintending officer of chokies whenever they may judge it necessary or proper to do so.

Reports to be furnished periodically to the Board of Customs Salt and Opium.

CXXIV. Whatever judicial powers are declared by this Regulation to be vested in Salt agents and superintending officers of chokies, shall be considered to be likewise vested in all persons

Powers vested in persons officiating as agents and superintendents.

sons appointed to officiate in, and exercise the functions of those offices for the time being, and the same powers are hereby declared to be conferred upon the respective assistants of such Salt agents and superintending officers of chokies, such assistants being covenanted servants of the Honorable Company, and having been two years in the public service, in cases referred to them for enquiry by their official superiors: provided however, that in all cases in which such investigations may be delegated by Salt agents or superintending officers of Salt chokies to their assistants, the final roobukarree recorded by those officers shall be submitted for the approval of the Salt agents or superintending officers of Salt chokies, who shall be competent to confirm, alter or reverse the judgment therein contained, and no decision passed by the said assistants in such cases shall be carried into effect, until the agent or superintending officer of chokies aforesaid shall have confirmed the same, under his official seal and signature.

Also in the covenanted assistants.

Subject to the revision and final orders of their superiors.

Salt agents may refer certain cases under this Regulation for investigation by superintendents.

CXXV. It is hereby provided, that it shall be competent to a Salt agent or person exercising the functions of Salt agent, with the previous sanction of the Board of Customs, Salt and Opium, to refer any informations or other matters requiring judicial investigation regarding the illicit manufacture, sale, transit, or possession of Salt, to the superintending officer of Salt chokies, for investigation, whenever the more immediate duties of his office as connected with the manufacture of Salt, may occupy so much of his attention, as to render it impracticable for him, without detriment to the public interest, to conduct the inquiry in person, or any circumstances may render it improper or inconvenient, to refer the investigation to his assistant; and the superintendent of chokies shall in such cases observe the same course of proceeding as in regard to suits or complaints originally preferred to himself.

CXXVI.

CXXVI. If any disputes should arise between a Salt agent, a superintending officer of chokies, or any officer of Government, and any person on any matter relative to the manufacture, provision, transportation, sale, purchase or possession of Salt, not provided for in this Regulation, either party is to be at liberty to apply for redress to the courts of civil judicature, and the case shall be tried and decided upon under the general laws, regulations, and usages ordinarily observed in the civil courts.

Cases not provided for by this Regulation left to the ordinary jurisdiction of the courts of judicature.

APPENDIX. No. 1.

Form of Proclamation referred to in Section CII. *of this Regulation.*

Whereas a complaint having been lodged against A. B. for suffering the illicit manufacture of Salt on his estate, a notice of the same was issued on ———— requiring the said A. B. to attend within ———— days at this cutcherry, either in person or by vakeel, to answer to the charge preferred against him; and whereas the said A. B. has absented himself from his usual place of residence, so as to prevent the notice being served upon him, (or having received the notice, as the case may happen to be) has failed to attend agreeably to the requisition—Proclamation is hereby made, that if the said A. B. does not appear in person, or by duly authorized mookhtar on or before ———— the case will be proceeded upon ex-parte, and the award will be made in the same manner as if the defendant had appeared and answered to the charge.

No. 2.

Table of Fees to be paid by parties taking out Rowannahs, renewed or Exchange Rowannahs, or Atrafee Rowannahs.

ON ROWANNAHS, RENEWED OR EXCHANGE ROWANNAHS FOR SALT.

	Rs.	A.	P.
From 1 to 500 Maunds. . .	1	0	0
501 to 1000 do. . . .	1	8	0

From

	Rs.	A.	P.
From 1001 to 1500 Maunds. . . .	2	8	0
1501 to 2000 do. . . .	3	0	0
2001 to 2500 do. . . .	4	0	0
2501 to 3000 do. . . .	4	8	0
3001 to 3500 do. . . .	5	8	0
3501 to 4000 do. . . .	6	0	0
4001 to 4500 do.	7	0	0
4501 to 5000 do.	7	8	0
5001 to 5500 do. . . .	8	8	0
5501 to 6000 do.	9	0	0
6001 to 6500 do. . . .	10	0	0
6501 to 7000 do. . . .	10	8	0
On every Atrafee Rowannah a Fee of .	0	4	0

BENGAL SECRETARIAT LIBRARY

A. D. 1819. REGULATION XI.

A REGULATION *for discontinuing the Coinage of the Benares Rupee; for declaring the Furruckabad Rupee the legal Currency of the Province of Benares; for altering the Standard of the Furruckabad Rupee, and for defining the rate at which that Rupee is to be received within the province of Benares:*—PASSED *by the Governor General in Council on the* 31*st December,* 1819, *corresponding with the* 17*th Poose* 1226 *Bengal Era; the* 30*th Poose* 1227 *Fussily; the* 18*th Poose* 1227 *Willaity; the* 15*th Poose* 1878 *Sumbut; and the* 13*th Rubbee-ul-awul* 1235 *Higeree.*

THE existence of different local currencies in a country subject to one common authority, must obviously impede that constant intercourse by which its several provinces are necessarily connected, and considerable inconvenience from that cause has been experienced in the intercourse between the several provinces subordinate to this Presidency.—Great difficulties, however, oppose the immediate establishment of one currency throughout all those provinces. On the one hand, the Calcutta Preamble.

Sicca

Sicca Rupee having been long established throughout the extensive provinces of Bengal, Behar and Orissa, all private engagements have been made in that coin: the land revenue payable by the zemindars, which (with partial exceptions) has been fixed in perpetuity throughout those provinces, as well as the whole of the registered debt of this country, are likewise expressed in the Calcutta Rupee; any alteration in its value would therefore occasion great embarrassment and perplexity. On the other hand, the Furruckabad Rupee forms the currency of the whole of the ceded and conquered provinces, and the influence of any change in regard to it would be proportionably important and extensive. In it all payments on account of the public revenue within those provinces are received, and the pay of the troops and of all public establishments therein stationed is discharged; the price of articles of ordinary consumption has necessarily been regulated with reference to the local coin. If therefore the Calcutta Sicca Rupee were rendered the local currency of those provinces, while Government must of course allow to the zemindars an abatement in their revenue, equivalent to the difference between the Calcutta and Furruckabad Rupee, and would therefore be compelled to issue the former at its intrinsic value, the troops and other public establishments might be subject, temporarily at least, to considerable loss and inconvenience, by receiving payment in a coin that might not immediately bear its full value in the market, compared with articles of ordinary consumption. It has thence appeared necessary, for the present at least, to maintain the currencies now established in the provinces of Bengal, Behar and Orissa, and in the ceded and conquered provinces respectively. The legal circulation of the Benares Rupee is confined to a single province—that coin has long been issued to the troops and other public establishments as equivalent to the Furruckabad Rupee. It circulates generally at par with that Rupee when employed

beyond

beyond the limits of the province of Benares; though exceeding it in value to the extent of two and a quarter per cent. The land revenue of Benares is indeed, like that of Bengal, Behar and Orissa, fixed in perpetuity; and any alteration in the nominal amount of the jumma, being likely to lead to serious misapprehension, Government deem it right, in introducing into Benares the inferior currency of the western provinces, to relinquish the claim which they might in strictness assert to the difference between the two Rupees, rather than to give the slightest occasion for any doubt or alarm in regard to the stability of an arrangement guaranteed by the public faith. The amount however of the land revenue in question is comparatively limited, and the public advantage likely to result from a simplification of the currencies of those provinces, appears to counterbalance the partial loss which Government must sustain in receiving the Furruckabad Rupee at par with the Benares Rupee: the adjustment of private engagements in a single province will be comparatively easy, and while the community will be saved from the loss which they have heretofore sustained, whenever they carried the Benares Rupee beyond the limits of that province, the difference between the two coins amounting only to two and a quarter per cent. will have little or no perceptible influence on the market price of articles consumed by the lower orders of the people; more especially, since the value of the two Rupees in copper money has for some time past been equalized. It appears therefore that the discontinuance of the coinage of the Benares Rupee, while it will greatly simplify the monetary system of this Presidency, and will otherwise essentially promote the trade and general prosperity of the country, will be attended with little inconvenience, and that only temporary and partial. The Governor General in Council has accordingly resolved to limit the legal currencies in the territories subordinate to this presidency to two, namely, the Calcutta and the Furruckabad Rupee. With the view

view of still further simplifying the system of coinage in the said territories, and of facilitating the conversion of the above mentioned currencies, the one into the other, it has been also determined to reduce them to one general standard: so that, though differing in intrinsic value, yet as they will contain the same proportions of pure metal and alloy, no charge for refinage, nor for the trouble of adjusting the standard will be incurred in the coinage of the one currency into the other. To give effect to the above arrangements, and at the same time to fix the rate at which the Furruckabad Rupee is to be received in the province of Benares, in liquidation of existing engagements between Individuals, the following rules have been enacted by the Governor General in Council to be in force from the date of their promulgation.

The coinage of the Benares Rupee discontinued.

II. The coinage of the Benares Rupee shall be discontinued from the date of this Regulation.

The Furruckabad Rupee declared to be the legal currency of Benares.

III. The Furruckabad Rupee shall be considered the legal currency of the province of Benares.

Such Rupee to be a legal tender in all places under this Presidency, with exception to Bengal, Behar and Orissa.

IV. The Furruckabad Rupee shall be a legal tender in all the territories under the Bengal Government, with the exception of Bengal, Behar and Orissa, whether struck at the Mints of Calcutta, Benares or Furruckabad, or at any other Mint that may be hereafter established within the aforesaid limits, under the authority of the British Government.

Specification of the value and standard of the new Furruckabad Rupee.

V. The Furruckabad Rupee to be struck at any of the Mints before mentioned, shall be of the value of the present Furruckabad Rupee, and of the standard of the present Calcutta Rupee; that is to say, it shall be of the following weight and fineness:

Weight,

Weight,	Troy Grains	180.234
Pure Silver,		165.215
Alloy,		15.019

Being 11-12th pure, and 1-12th alloy.

VI. Individuals bringing Bullion for coinage into the new Furruckabad Rupee, to either of the Mints above specified, shall have it so coined, agreeably to the rates of charge and produce stated in the accompanying Table.

Rates of charge for coining Bullion.

VII. Individuals bringing to the same Mints, Calcutta, Benares or Furruckabad Rupees, either of the old or new coinage, but coined at one of the Honorable Company's Mints, shall have them converted into the new Furruckabad Rupee, at a total charge of no more than one per cent.

Rate of charge on the recoinage of Rupees.

VIII. Government will receive Furruckabad Rupees of the old or new standard, at par with the present Benares Rupee, in payment of the land revenue, and in liquidation of all other public demands, and will pay them at the same valuation within the province of Benares.

At what rate Government engage to receive and pay the old and new Furruckabad Rupee, in the province of Benares.

IX. The preceding rule shall not apply to bills payable in Benares Rupees, and drawn previously to the 1st March 1820, nor to sums due to individuals under specific engagements in Benares Rupees, contracted previously to that date.

The preceding rule declared inapplicable in certain cases.

X. Bonds or other engagements, and all agreements, written or verbal, which may be entered into within the province of Benares after the 1st March 1820, shall be expressed in Furruckabad Rupees, and if any such deed or agreement shall stipulate for the payment of Benares Rupees, such stipulation shall not be enforced by the courts of judicature; but the amount shall be

All money engagements in Benares entered into after the 1st March, 1820, to be expressed and paid in Furruckabad Rupees.

be payable in Furruckabad Rupees, at par with the Benares Rupee.

Rate at which payments are to be made when engagements are dated prior to the 1st March, 1820.

XI. With regard to engagements entered into previously to the 1st of March next, the Furruckabad Rupee shall be held a legal tender, at the rate of 102¼ Furruckabad Rupees for 100 Benares Rupees.

Former rules, if not rescinded by this Regulation, to remain in force.

XII. All the rules affecting the coinage of the Mints of Benares and Furruckabad, which are not abrogated by the foregoing enactments, shall continue in force.

Table

Tabls of the Produce of Silver Bullion in the Furruckabad Mint, commencing the 2d October, 1819.

New Standard.	Decimal addition, or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Furruckabad Rupees.	Duty of 2 per Cent. on Coinage.	Nett Produce Furruckabad Rupees.
Dwts.							
20 Br.	9.091	,,	,,	109.091	104.712	2.094	102.618
19½ Br.	8.864	,,	,,	108.864	104.495	2.090	102.405
19 Br.	8.636	,,	,,	108.636	104.276	2.086	102.190
18½ Br.	8.409	,,	,,	108.409	104.058	2.081	101.977
18 Br.	8.182	,,	,,	108.182	103.840	2.077	101.763
17½ Br.	7.955	,,	,,	107.955	103.622	2.072	101.550
17 Br.	7.727	,,	,,	107.727	103.403	2.068	101.335
16½ Br.	7.500	,,	,,	107.500	103.185	2.064	101.121
16 Br.	7.273	,,	,,	107.273	102.967	2.059	100.908
15½ Br.	7.045	,,	,,	107.045	102.749	2.055	100.694
15 Br.	6.818	,,	,,	106.818	102.531	2.051	100.480
14½ Br.	6.591	,,	,,	106.591	102.313	2.046	100.267
14 Br.	6.364	,,	,,	106.364	102.095	2.042	100.053
13½ Br.	6.136	,,	,,	106.136	101.876	2.038	99.838
13 Br.	5.909	,,	,,	105.909	101.658	2.033	99.625
12½ Br.	5.682	,,	,,	105.682	101.140	2.029	99.411
12 Br.	5.455	,,	,,	105.455	101.222	2.024	99.198
11½ Br.	5.227	,,	,,	105.227	101.004	2.020	98.984
11 Br.	5.000	,,	,,	105.000	100.786	2.016	98.770
10½ Br.	4.773	,,	,,	104.773	100.568	2.011	98.557
10 Br.	4.545	,,	,,	104.545	100.349	2.007	98.342
9½ Br.	4.318	,,	,,	104.318	100.131	2.003	98.128
9 Br.	4.091	,,	,,	104.091	99.913	1.998	97.915
8½ Br.	3.864	,,	,,	103.864	99.695	1.994	97.701
8 Br.	3.636	,,	,,	103.636	99.476	1.990	97.486
7½ Br.	3.409	,,	,,	103.409	99.259	1.985	97.274
7 Br.	3.182	,,	,,	103.182	99.041	1.981	97.060
6½ Br.	2.955	,,	,,	102.955	98.823	1.976	96.847
6 Br.	2.727	,,	,,	102.727	98.604	1.972	96.632
5½ Br.	2.500	,,	,,	102.500	98.386	1.968	96.418
5 Br.	2.273	,,	,,	102.273	98.168	1.963	96.205
4½ Br.	2.045	,,	,,	102.045	97.949	1.959	95.990
4 Br.	1.818	,,	,,	101.818	97.731	1.955	95.776
3½ Br.	1.591	,,	,,	101.591	97.513	1.950	95.563
3 Br.	1.364	,,	,,	101.364	97.296	1.946	95.350
2½ Br.	1.136	,,	,,	101.136	97.077	1.942	95.135
2 Br. Eng. Std.	0.909	,,	,,	100.909	96.859	1.937	94.922
1½ Br.	0.682	,,	,,	100.682	96.641	1.933	94.708
1 Br.	0.455	,,	,,	100.455	96.423	1.928	94.495
½ Br.	0.227	,,	,,	100.227	96.204	1.924	94.280
Standard.	0.000	,,	,,	100.000	95.986	1.920	94.066
½ W.	0.227	,,	.227	99.773	95.768	1.915	93.853
1 W.	0.455	,,	.455	99.545	95.550	1.911	93.639
1½ W.	0.682	,,	.682	99.318	95.332	1.907	93.425

New Standard.	Decimal addition, or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Furruckabad Rupees.	Duty of 2 per Cent. on Coinage.	Nett Produce Furruckabad Rupees.
Dwts.							
2 W.	0.909	"	.909	99.091	95.114	1.902	93.212
2½ W.	1.136	"	1.136	98.864	94.896	1.898	92.998
3 W.	1.364	"	1.364	98.636	94.677	1.894	92.783
3½ W.	1.591	"	1.591	98.409	94.459	1.889	92.570
4 W.	1.818	"	1.818	98.182	94.241	1.885	92.356
4½ W.	2.045	"	2.045	97.955	94.023	1.880	92.143
5 W.	2.273	"	2.273	97.727	93.805	1.876	91.929
5½ W.	2.500	"	2.500	97.500	93.587	1.872	91.715
6 W.	2.727	"	2.727	97.273	93.369	1.867	91.502
6½ W.	2.955	.297	3.252	96.748	92.865	1.857	91.008
7 W.	3.182	.445	3.627	96.373	92.505	1.850	90.655
7½ W.	3.409	.592	4.001	95.999	92.146	1.843	90.303
8 W.	3.636	.744	4.380	95.620	91.782	1.836	89.946
8½ W.	3.864	.901	4.765	95.235	91.413	1.828	89.585
9 W.	4.091	1.058	5.149	94.851	91.044	1.821	89.223
9½ W.	4.318	1.064	5.382	94.618	90.820	1.816	89.004
10 W.	4.545	1.072	5.617	94.383	90.595	1.812	88.783
10½ W.	4.773	1.078	5.851	94.149	90.370	1.807	88.563
11 W.	5.000	1.088	6.088	93.912	90.143	1.803	88.340
11½ W.	5.227	1.100	6.327	93.673	89.913	1.798	88.115
12 W.	5.455	1.112	6.567	93.433	89.683	1.794	87.889
12½ W.	5.682	1.125	6.807	93.193	89.453	1.789	87.664
13 W.	5.909	1.138	7.047	92.953	89.222	1.784	87.438
13½ W.	6.136	1.150	7.286	92.714	88.993	1.780	87.213
14 W.	6.364	1.161	7.525	92.475	88.763	1.775	86.988
14½ W.	6.591	1.173	7.764	92.236	88.534	1.771	86.763
15 W.	6.818	1.186	8.004	91.996	88.304	1.766	86.538
15½ W.	7.045	1.196	8.241	91.759	88.076	1.762	86.314
16 W.	7.273	1.208	8.481	91.519	87.846	1.757	86.089
16½ W.	7.500	1.220	8.720	91.280	87.616	1.752	85.864
17 W.	7.727	1.233	8.960	91.040	87.386	1.748	85.638
17½ W.	7.955	1.250	9.205	90.795	87.151	1.743	85.408
18 W.	8.182	1.268	9.450	90.550	86.916	1.738	85.178
18½ W.	8.409	1.287	9.696	90.304	86.679	1.734	84.945
19 W.	8.636	1.305	9.941	90.059	86.444	1.729	84.715
19½ W.	8.864	1.321	10.185	89.815	86.210	1.724	84.486
20 W.	9.091	1.339	10.430	89.570	85.975	1.720	84.255
20½ W.	9.318	1.357	10.675	89.325	85.740	1.715	84.025
21 W.	9.545	1.373	10.918	89.082	85.507	1.710	83.797
21½ W.	9.773	1.404	11.177	88.823	85.258	1.705	83.553
22 W.	10.000	1.434	11.434	88.566	85.011	1.700	83.311
22½ W.	10.227	1.466	11.693	88.307	84.763	1.695	83.068
23 W.	10.455	1.496	11.951	88.049	84.515	1.690	82.825
23½ W.	10.682	1.526	12.208	87.792	84.268	1.685	82.583
24 W.	10.909	1.555	12.464	87.536	84.023	1.680	82.343
24½ W.	11.136	1.585	12.721	87.279	83.776	1.676	82.100
25 W.	11.364	1.615	12.979	87.021	83.528	1.671	81.857
25½ W.	11.591	1.649	13.240	86.760	83.278	1.666	81.612
26 W.	11.818	1.683	13.501	86.499	83.027	1.661	81.366
26½ W.	12.045	1.717	13.762	86.238	82.777	1.656	81.121

New Standard.	Decimal addition or Deduction per Cent.	Charges for Refining.	Total Deduction.	Produce in Sa. Wt.	Produce in Furruckabad Rupees.	Duty of 2 per Cent. on Coinage.	Nett Produce Furruckabad Rupees.
Dwts.							
27 W.	12.273	1.751	14.024	85.976	82.525	1.651	80.874
27½ W.	12.500	1.800	14.300	85.700	82.260	1.645	80.615
28 W.	12.727	1.850	14.577	85.423	81.994	1.640	80.354
28½ W.	12.955	1.900	14.855	85.145	81.728	1.635	80.093
29 W.	13.182	1.950	15.132	84.868	81.462	1.629	79.833
29½ W.	13.409	2.010	15.419	84.581	81.186	1.624	79.562
30 W.	13.636	2.068	15.704	84.296	80.913	1.618	79.295
30½ W.	13.864	2.128	15.992	84.008	80.636	1.613	79.023
31 W.	14.091	2.183	16.274	83.726	80.366	1.607	78.759
31½ W.	14.318	2.240	16.558	83.442	80.093	1.602	78.491
32 W.	14.545	2.296	16.841	83.159	79.821	1.596	78.225
32½ W.	14.773	2.349	17.122	82.878	79.552	1.591	77.961
33 W.	15.000	2.398	17.398	82.602	79.287	1.586	77.701
33½ W.	15.227	2.444	17.671	82.329	79.025	1.581	77.444
34 W.	15.455	2.485	17.940	82.060	78.766	1.575	77.191
34½ W.	15.682	2.511	18.193	81.807	78.524	1.570	76.954
35 W.	15.909	2.536	18.445	81.555	78.282	1.566	76.716
35½ W.	16.136	2.560	18.696	81.304	78.041	1.561	76.480
36 W.	16.364	2.583	18.947	81.053	77.800	1.556	76.244
36½ W.	16.591	2.605	19.196	80.804	77.561	1.551	76.010
37 W.	16.818	2.626	19.444	80.556	77.323	1.546	75.777
37½ W.	17.046	2.646	19.692	80.308	77.085	1.542	75.543
38 W.	17.273	2.665	19.938	80.062	76.849	1.537	75.312
38½ W.	17.500	2.683	20.183	79.817	76.613	1.532	75.081
39 W.	17.727	2.700	20.427	79.573	76.379	1.528	74.851
39½ W.	17.955	2.716	20.671	79.329	76.145	1.523	74.622
40 W.	18.182	2.731	20.913	79.087	75.913	1.518	74.395

A. D. 1820. REGULATION I.

A REGULATION *for providing that all sales of certain Talooks made answerable by sale for arrears of the Zemindar's rent, shall be conducted in the mode prescribed by Regulation VIII.* 1819, *for the sales therein described:*—PASSED *by the Governor General in Council on the* 11*th January* 1820, *corresponding with the* 28*th Poose* 1226 *Bengal era; the* 11*th Maug* 1227 *Fusly; the* 29*th Poose* 1227 *Willaity; the* 11*th Maug* 1876 *Sumbut, and the* 24*th Rubee-ul-uwal* 1235 *Higeree.*

Preamble

WHEREAS it has been omitted to provide in the rules of Regulation VIII. 1819, whether, in case the proprietor of an estate paying revenue to Government, should desire to bring to sale a saleable tenure of the nature defined in Clause first, Section VIII. of that Regulation for the realization of arrears of rent due thereupon, by any legal process other than that prescribed by the second and third Clauses of the said Section, such sale should be made in the public manner provided for the periodical sales therein described; and whereas it is consonant with justice, and was intended by the said Regulation, that, in every case

case of the sale of such tenures for arrears of the zemindar's rent, the sale should be public, for the security of the interests of the owner of the tenure sold; which object can in no manner be duly secured, except the sales to be so made be conducted by an officer of Government, in the same manner as the periodical sales provided for by Section VIII. of the said Regulation: the following additional rule has accordingly been passed by the Governor General in Council, to take effect from the date of its promulgation, within the several districts of Bengal including Midnapore.

The rules of Regulation VIII. 1819, for periodical sales for the zemindar's arrears of rent extended to other sales for rent.

II. *First.* Whenever the proprietor of an estate paying revenue to Government shall desire to cause any tenure of the nature of those described in Clause first, Section VIII. Regulation VIII. 1819, to be sold for arrears of rent due to him on account thereof, and shall, under any summary process authorized by the general Regulations, have acquired the right of causing such sale to be made, the same shall be conducted, after application from the zemindar, by the register or acting register of the zillah or city court, or in his absence by the person in charge of the office of Judge of the district, in the mode prescribed by Regulation VIII. above quoted for periodical sales.

Ten days notice to be given by proclamation.

Second. Ten days notice shall be given before proceeding to sale, by proclamation, to be stuck up at the kucheree of the court, and at that of the collector of the district.

Sections IX. XI. XIII XV. and XVII. Regulation VIII. 1819, extended to sales under this Regulation.

Third. The rules of Sections IX. XI. XIII. XV. and XVII. Regulation VIII. 1819, are extended to all sales made after the manner herein provided.

A. D. 1820. REGULATION II.

A REGULATION *to enable the Magistrate of Hooghly, the Court of Circuit for the Division of Calcutta, and the Court of Nizamut Adawlut, to take cognizance of certain offences committed by Natives within the limits of the Settlements of Chandernagore and Chinsurah:*—PASSED *by the Governor General in Council on the* 25*th February* 1820, *corresponding with the* 14*th Phalgoon* 1226 *Bengal era; the* 26*th Phalgoon* 1227 *Fusly; the* 15*th Phalgoon* 1227 *Willaity; the* 12*th Phalgoon* 1876 *Sumbut; and the* 10*th Jumadee-ul-awal* 1235 *Higeree.*

Preamble.

THE provisions contained in Regulations I. and XVI. of 1805, in Regulation II. 1808, and Regulation IX. 1809, relative to the administration of Civil and Criminal Justice in the Settlements of Chandernagore and Chinsurah, have ceased to be in force since the restoration of those Settlements to the respective authorities of their Majesties the King of France, and the King of the Netherlands:—It being however necessary to provide for the cognizance of criminal offences of a heinous nature committed within those Settlements by Natives of India, to which offences the Jurisdiction of the Criminal Courts established at the Settlements

tlements of Chandernagore and Chinsurah does not extend, the following rules have been enacted.

Magistrate of Hooghly empowered to receive into his custody certain persons charged with the perpetration of heinous offences in Chandernagore and Chinsurah.

II. *First.* The Magistrate of Hooghly is hereby declared competent to receive into his custody, natives of India who may be forwarded to him by the superior authorities of Chandernagore and Chinsurah, charged with the commission of murder, robbery, and other crimes of a heinous nature within the limits of those Settlements.

Magistrate how to deal with such persons.

Second. After due examination into such cases, the Magistrate will either discharge the prisoner, or if he shall find sufficient grounds for that measure, will commit the accused to take his trial before the Court of Circuit for the offence with which he may stand charged.

Not to pass sentence of punishment upon them himself.

Third. The Magistrate will not himself pass sentence of punishment on the accused, although the nature of the charge may be such as would warrant his doing so under the existing Regulations; but will either commit the prisoner to take his trial before the Court of Circuit, or will discharge him according to the circumstances of the case.

Competency of the Calcutta Court of Circuit and the Nizamut Adawlut to take cognizance of such cases, and how to pass sentence.

III. The Court of Circuit for the division of Calcutta, and the Nizamut Adawlut, are hereby respectively empowered to take cognizance of such cases, and to pass such sentence upon the prisoners as may be conformable to the provisions of the Regulations which are now or may hereafter be in force within the province of Bengal.

Period from which the rules contained in this Regulation are to have effect.

IV. The foregoing provisions are hereby declared to be applicable to persons charged with having committed offences of the nature described in Clause first, Section II. of this Regulation,

on, in the interval between the restoration of the Settlements of Chandernagore and Chinsurah, and the date of this Regulation.

Recd. 27.- April 1820

A. D. 1820. REGULATION III.

A REGULATION for rescinding some of the provisions of Regulation XI. 1806, *and for preventing the practice of pressing Coolies or Begarees.*—PASSED *by the Governor General in Council on the* 24*th March* 1820, *corresponding with the* 13*th Cheyte* 1226 *Bengal era; the* 25*th Cheyte* 1227 *Fusly; the* 14*th Cheyte* 1227 *Willaity; the* 10*th Cheyte* 1877 *Sumbut, and the* 9*th Jumadee-us-Sanee* 1235 *Higeree,*

Preamble.

WHEREAS the authority vested by Regulation XI. 1806, in the Collectors and their Native officers, and in the Magistrates and their Police officers to assist in procuring coolies for the purpose of facilitating the march of detachments of troops, or the progress of individual-travellers, has operated to encourage the highly injurious practice which prevails, of forcibly pressing certain classes of the inhabitants of the towns and villages under the denomination of begarees or coolies, for the purpose of carrying baggage or other loads from stage to stage or from village to village; and whereas the Governor General in Council has deemed it expedient to adopt measures for the entire suppression of the said highly objectionable practice, the following rules have been enacted, to have effect throughout the

whole

whole of the territories immediately subordinate to the Presidency of Fort William, from the date of their promulgation.

Part of the provisions of Regulation XI. 1806, rescinded.

II. Such part of the provisions of Regulation XI. 1806, as authorize the Collectors and their Native officers, or the Magistrates and their Police officers to give their official aid in procuring coolies for the purpose of facilitating the march of troops, or the progress of Civil and Military officers or other individuals travelling through the country, either on the public service or on their private affairs, is hereby rescinded.

The practice of pressing begarees prohibited.

And the Magistrates enjoined to put a stop to the practice by all legal means in their power.

III. The practice of pressing or compelling individuals, whether under the denomination of coolies, begarees or any other denomination, to carry burthens either for the public service or for the convenience of private individuals, is hereby positively prohibited; and the several Magistrates and joint Magistrates are required to adopt all legal means in their power to put an entire stop to the practice in question, by enquiring fully into all complaints which may be brought before them, and by subjecting persons regularly convicted of the offence, to such penalties as on a consideration of the circumstances of the case may appear to be proper, and consistent with the powers vested in the Magistrates by the general Regulations.

A. D. 1820. REGULATION IV.

A REGULATION *for declaring the power of the Magistrates to give effect to Military Sentences in certain cases; for providing for the more efficient exercise of the control of the Courts of Circuit over the Sentences of the Magistrates in certain cases; and for amending Clause Second, Section III. Regulation XII.* 1818.—PASSED *by the Governor General in Council on the* 21*st July* 1820.; *corresponding with the* 7*th Sawun* 1227 *Bengal era; the* 25*th Assaur* 1227 *Fusly; the* 8*th Sawaun* 1227 *Willaity; the* 11*th Assaur* 1877 *Sumbut, and the* 10*th Sowaul* 1235 *Higeree.*

WHEREAS doubts have been entertained as to the authority of the Zillah and City Magistrates, under the existing Regulations, to give effect to the sentence of a general Court Martial, which may adjudge imprisonment with hard labor among the convicts of the civil power: and whereas it has been deemed advisable to provide for the more efficient exercise of the controul of the Courts of Circuit over sentences passed by the Magistrates under Regulation XII. 1818: and whereas it has also been deemed advisable to declare, in amendment of Section Pream

III.

III. of that Regulation, that in certain cases of theft, the Magistrates shall commit the accused for trial before the Court of Circuit, solely with reference to the amount of the property stolen; the following rules have been enacted, to be in force from the date of their promulgation throughout the territories subject to the Presidency of Fort William.

Power of the Magistrates to give effect to Military sentences.

II. It is hereby declared that any Zillah or City Magistrate shall be competent to give effect to the sentence of a general Court Martial, adjudging imprisonment with labor among the convicts of the civil power, on the offender being delivered into his custody, and the sentence being certified to him for the purpose of his giving it effect, by the Judge Advocate General, or his deputy, under the authority of the Commander in Chief; and the sentence so certified shall serve as the Magistrate's warrant and authority for carrying it into effect according to the terms of it.

What returns of sentences under Regulation XII. 1818, to be submitted to Courts of Circuit.

III. *First.* In addition to the rule contained in Clause First, Section VI. Regulation XII. 1818, as far as regards the separate list of sentences passed by the Magistrates under that Regulation, and thereby required to be submitted to the Court of Circuit at the Sessions, it is hereby provided, that monthly statements of such sentences shall be submitted to the Court of Circuit at the sudder station, in such form and manner as the Nizamut Adawlut may direct.

Power of Courts of Circuit to call for cases, on review of such returns.

Second. It is hereby further provided, that the Court of Circuit at the sudder station, shall be considered competent to call for the proceedings in such cases, where they may see cause, under the general provisions of Section XXIII. Regulation IX. 1807, without a petition being presented to that effect; and to pass such orders thereon as they may deem proper and consistent with the Regulations; two or more Judges being present if the sentence of the Magistrate's Court be reversed or altered.

IV.

Clause second Section III Regulation XII. 1818, amended.

IV. In amendment of Clause Second, Section III. Regulation XII. 1818, it is hereby declared, that in cases of theft where the amount or value stolen shall exceed the sum of three hundred rupees, the amount shall be deemed a circumstance taking the case out of the Magistrate's jurisdiction as to passing sentence on the accused; and shall make it necessary for him to commit the accused for trial to the Court of Circuit.

A. D. 1820. REGULATION V.

A REGULATION *for imposing a general Custom duty on Tobacco:*—PASSED *by the Governor General in Council on the 25th August 1820; corresponding with the 11th Bhadoon 1227 Bengal era; the 2d Bhadoon 1227 Fussily; the 12th Bhadoon 1227 Willaity; the 2d Bhadoon 1877 Sumbut; and the 15th Zekaad 1235 Higeree.*

WHEREAS it has been deemed expedient, with a view to the improvement of the public revenue, to impose a general custom duty on Tobacco within the territories immediately dependent on the Presidency of Fort William; the Governor General in Council, with the sanction of the Court of Directors of the United Company of Merchants trading to the East Indies, and with the approbation of the Board of Commissioners for the affairs of India, has enacted the following rules, to be in force throughout the aforesaid territories from the period of their promulgation. Preamble.

II. *First.* So much of Clause first, Section XII. Regulation IX, 1810, as enacts that a duty of ten per cent. shall be levied on the Part of Regulation IX. 1810, rescinded.

the importation of Tobacco into the district of Cuttack, is hereby rescinded.

Part of Regulation I. 1812, also rescinded.

Second. Section IX. Regulation I. 1812, is likewise hereby rescinded.

Tobacco whether in leaf or in a prepared state, declared subject, on importation or exportation, to a custom duty of four annas per maund.

III. *First.* The aforesaid article whether in leaf or in a prepared state, shall, on its importation or exportation at any port or place within the provinces subordinate to this Presidency, be subject to a custom duty of four annas per maund of forty seer, each seer weighing eighty Calcutta sicca weight.

And also to a transit duty at the same rate.

Proviso, in cases where the prescribed duty has been once paid.

Exception as to the Town duty payable under Regulation X. 1810.

Proviso, allowing a drawback on Tobacco exported to the United Kingdom on a British bottom.

Second. The same duty of four annas per maund shall be levied on the transit of the said article from place to place within the provinces subordinate to this Presidency; provided however, that Tobacco which shall have paid the prescribed duty once, whether on importation or transit, shall not be liable to any further duties in passing through the provinces subject to this Presidency, excepting the town or consumption duty payable under the rules of Regulation X. 1810.—provided also that on the exportation of Tobacco on a British bottom to the United Kingdom, a drawback shall be allowed equal to the whole duty which may have been levied under this Regulation, or under the provisions of Regulation X. 1810.

The prescribed duty on Tobacco to be paid and levied under the rules in force for the collection of Government Customs, and any breach of them declared subject to defined penalties.

IV. The duty prescribed by this Regulation shall be paid and levied under the same rules and provisions as are applicable generally to the payment and collection of the duties denominated Government Customs, on the importation, exportation, or transit of goods subject to such duties, and any attempt to import, export or transport Tobacco in breach of the said rules and provisions, shall subject the parties offending to the penalties prescribed in Regulation IX. 1810.

Rec.d 16th Sept.r 1820

A. D. 1820. REGULATION VI.

A REGULATION *for rescinding Sections* XLVI. XLVII. *and* XLVIII. *Regulation* XLV. 1803.—PASSED *by the Governor General in Council on the* 25*th August* 1820, *corresponding with the* 11*th Bhadoon* 1227 *Bengal era; the* 2*d Bhadoon* 1227 *Fussily; the* 12*th Bhadoon* 1227 *Willaity; the* 2*d Bhadoon* 1877 *Sumbut; and the* 15*th Zekaad* 1235 *Higeree.*

Preamble.

WHEREAS it being deemed no longer expedient to continue to individuals the privilege of tendering Copper for coinage at the Mint at Furruckabad, the following Rule has been enacted, to be in force from the date of its promulgation.

Sections XLVI. XLVII. & XLVIII. Regulation XLV. 1803, rescinded.

II. Sections XLVI. XLVII. and XLVIII. Regulation XLV. 1803, are hereby rescinded.

A. D. 1820. REGULATION VII.

A REGULATION *for altering the punishment and form of trial, in cases of Dhurna* :—PASSED *by the Governor General in Council on the* 8*th December* 1820; *corresponding with the* 24*th Ughun* 1227 *Bengal era; the* 18*th Ughun* 1228 *Fusly; the* 25*th Ughun* 1228 *Willaity; the* 3*rd Ughun* 1877 *Sumbut, and the* 1*st Rubee-ul awal* 1236 *Higeree.*

Preamble.

THE offence denominated Dhurna implies, in its received acceptation, the practice of illegal duress by individuals, for the extortion of money, or for the recovery of debts without authority from the Civil Magistrate; and also, without such authority, for retaining or recovering the possession of land, or for carrying any other point of real, imaginary or pretended interest or right. On the trial of the offence by a Court of Circuit, the existing Regulations require, that, instead of the futwa of the Mahomedan law officer, usual in other trials, a bebusta shall be taken from the Pundit of the Provincial Court, as to the fact of Dhurna (according to the received acceptation) being established, or not, by the evidence adduced. But the Pundit of the Provincial Court being stationary at the sudder station of the Court, this mode of trial has been found to be attended with great delay;

law; as well as otherwise unsatisfactory. And it has been ascertained that the act of Dhurna is a misdemeanor punishable in Mahomedan law, under the head of Zulm, or oppression. It having accordingly been deemed advisable, that in trials before a Court of Circuit for Dhurna, a futwa should be given by the Mahomedan law officer as in other trials, in lieu of the bebusta hitherto taken; and it having also been deemed advisable that the Magistrates should have power to pass sentence in minor cases of the offence of Dhurna; and further, that the existing penalties annexed to the offence should be revised and simplified; the following rules have been enacted, to be in force from the date of their promulgation, throughout the Provinces immediately subject to the Presidency of Fort William.

Notice of Rules rescinded.

II. Sections XI. and XII. Regulation XXI. 1795; Regulation V. 1797; Section VI. Regulation VIII. 1799; Sections IX. and X. Regulation III. 1804; and such other provisions in the existing Regulations as relate to the offence of Dhurna, are hereby rescinded.

Magistrates how to proceed on charges of Dhurna

III. On a complaint in writing being presented to a Magistrate against any Brahmin, or Brahmins, or against any other person or persons of whatever description, for sitting Dhurna, the Magistrate, upon oath being made to the truth of the information, shall issue a warrant or summons, (as the case may require,) under his seal and signature, for the apprehension, or appearance before him, of the person or persons thus complained against. On the accused being brought before the Magistrate, he shall enquire into the circumstances of the charge, and examine the accused and the complainant; and also such other persons (whose depositions are to be taken on oath) as are stated to have any knowledge of the misdemeanor alleged; and commit their respective depositions to writing: and after this enquiry, if it

it shall appear to the Magistrate that the misdemeanor charged was never committed, or that there is no ground to believe the accused to have been concerned in committing it, the Magistrate shall cause him (or them) to be forthwith discharged; recording his reasons for the same. On the contrary, if it shall appear to the Magistrate, that the misdemeanor was actually committed, and that there are grounds for believing the accused to have been concerned in the commission of it, the Magistrate shall (except in the cases mentioned in Section VII.) cause the accused to be committed to prison, or held to bail (according as in his discretion he shall judge proper) for trial at the next Session of the Court of Circuit; and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence.

Mode of trial for Dhurna, before Court of Circuit.

IV. The trial of persons charged with Dhurna, shall take place before the Court of Circuit, in the same mode as is prescribed for other trials by the existing Regulations; and in lieu of the bebusta hitherto taken from the Pundit of the Provincial Court, the Mahomedan law officer of the Court of Circuit shall write his futwa, declaring, whether the offence charged is established, or not, against the accused.

What punishment for Dhurna adjudicable by Court of Circuit.

V. On conviction of the offence of Dhurna before a Court of Circuit, the penalties adjudicable shall be as follow; namely, imprisonment in the Civil Jail for a term not exceeding one year, and fine not exceeding one thousand rupees; commutable, if not paid, to further imprisonment for a term not exceeding one year.

Trials for Dhurna when referrible.

VI. Trials held before a Court of Circuit in cases of Dhurna, shall be referrible to the Nizamut Adawlut, or not, according to the rules applicable in other trials.

VII.

In what cases of Dhurna Magistrates may pass sentence and to what extent.

VII. It shall be competent to the Magistrates, in charges for the offence of Dhurna, which they may be of opinion, from the circumstances, do not require commitment to the Court of Circuit, to hear the evidence against and for the accused; and if they consider the accused to be convicted, to pass sentence of fine not exceeding two hundred Rupees; commutable if not paid, to imprisonment in the Civil Jail for a period not exceeding six months.